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ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, June 27, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young man here today, D. J. Moskiewski. His name is actually Donald John but he goes by D. J. He is a 5th Grader; he is 10 years old; he goes to my own Council District St. John Neumann Elementary School in Lawrenceville. His dad is here, Donald, Sr. We are very pleased that he is here today. I know his aunt June Coyne, who is very active in the Garfield community. And, D. J. is going to lead us in the Pledge of Allegiance. D. J.

D. J. Moskiewski:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Actually June is your grandma, excuse me, not your aunt.

D. J. we thank you, it is not often we can get a kid down here on summer vacation, that is extra commitment. We want to thank you for coming down from Lawrenceville today, thank your dad also. And, our City Clerk, Linda Johnson-Wasler, is giving you the flag of our great City and the flag of our nation. Thank you very much for coming down today.

PRESENTATIONS

The Chair:

At this time I would like to move directly into the Read and Adopted. We see a number of guests in the audience today. I would like to first call on Councilwoman Valerie McDonald.

Ms. McDonald:

Would Mr. Hubbard El and the young people from the College Opportunity Program please come forward.

The Chair:

How are you doing.

Ms. McDonald:

And, since Mr. Ferlo already has his place right here, I would like him to stand with me, which he is, because this --

The Chair:

I'm with you.

Ms. McDonald:

-- the Bloomfield/Garfield Corporation, of course, is in his district and affects the majority of his district. But, last week I had an opportunity to be invited to the College Opportunity Program sponsored by the Bloomfield/Garfield Corporation under Mr. Hubbard El, and these youth are very successful in going to college. They successfully complete the program, they learn certain things that they need to have with them in order to go to college, and I thought it was an excellent affair. It was just very good. Anytime I see young people that -- typically, you know, anybody on the streets that won't go to college, these are going to college, these kids are going to college. It is very, very uplifting. I am going to read the resolution:

MS. McDONALD PRESENTS

No. 2176 WHEREAS, in July of 1991, the Bloomfield Garfield Corporation started the College Opportunity Program (COP); and,

WHEREAS, the College Opportunity Program (COP) is designed to provide needed support services for Bloomfield, Friendship, and Garfield area children who have the potential for high academic achievement, but who may lack the vision, the self esteem, the parental involvement, or the financial means required to succeed in post secondary education; and,

WHEREAS, today the Bloomfield Garfield Corporation College Opportunity Program is proud to boast that twenty-four of the original twenty-six students have remained active in the program and plan to graduate June of 1995.

WHEREAS, the program is very successful due to the tireless efforts of its director, Melvin Hubbard El. Mr. El provides the individual support each students need, whether it be a visit to their school, help with homework or personal support. Mr. El makes himself available to the students 24 hours a day.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh applauds the Bloomfield Garfield Corporation College Opportunity Program and Mr. Melvin Hubbard El for taking the leadership role within the

community to educate each child to the best of their ability.

SPONSORED BY COUNCILWOMAN VALERIE McDONALD AND COUNCILMAN JIM FERLO

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Ms. McDonald:

And, now I would like to entertain comments from my colleague Mr. Ferlo.

The Chair:

I just want to thank Valerie for bringing our leadership of the Garfield community down here today. And, I say leadership because they are young people but they are future leaders. One of the things that is really exemplified with this program, it is not just your run-of-the-mill college opportunity program, they put the word "opportunity" in that program for good reason and partly because the leadership of Melvin. He specifically develops a holistic approach to the needs of young people in the Garfield community. So, when you get tied up in that program, you better be serious, you better be concerned, you better be committed. And, what Melvin has done successfully himself with his staff, with the parents that are involved heavily in this program and specifically the young people, some of whom are here today – it is an exciting group, it has high productivity, high commitment, and it is really a unique program that I would hope could be actually emulated in neighborhoods throughout the City of Pittsburgh. It has a high success rate and that is what we need. It is about time we make the kind of investment in our young people that they deserve, and I am very honored to be a co-sponsor and to help applaud the initiative and the leadership specifically of the young people, their parents, the community group and all the people involved. And, thank you very much, Melvin.

Mr. El:

On behalf of the Bloomfield/Garfield Corporation's College Opportunity Program, the Board of Directors, the Steering Committee, parents and students, I want to thank City Council for this prestigious award today. The students worked hard, really it was a joy, it was a struggle, but if anything good comes out of this is the fact that we have 24 students who are now focused on some type of post secondary education opportunity. Thank you very much.

Talise Wilkes:

As a member of the College Opportunity Program, I would like to thank City Council for this award, and I would like to thank everybody for the support that they have given us, we really appreciate it. And, thank you, Mr. El. Thank you.

Richard McCord:

I want to thank the College Opportunity Program for these four years working with me. I want to thank City Council for the plaque. Thanks.

The Chair:

I just want to thank my colleagues for re-appropriating some unexpended Block Grant dollars to keep the program going for the rest of the year because they ran out of money and they have been unsuccessful in getting institutional support, they have hit up the foundations on numerous occasions and I would hope that Council, and I would also ask the Mayor and the Administration, think about the effectiveness of this program in terms of the other youth monies that we have provided. I know Mr. Ricciardi and others continually are perplexed at the table of the millions of dollars in the JTPA Program that we approve annually. It seems to me that these are the kinds of programs that have proven cost effective and I hope that we can provide some of those resources to this program.

Ms. McDonald:

Thank you. Ditto.

Now I would like to call forward the American Cancer Society participants. Ms Laverne Baker, would you come forward. Ms. Debbie Romeo, Yvonne Durham and Shay Turner. I am going to read the resolution:

MS. McDONALD PRESENTS

No. 2177 WHEREAS, in an effort to reach more African-American women with information about prevention and early detection, the American Cancer Society and the Race for the Cure's SisterReach Advisory Council has launched a breast cancer awareness campaign called "Beauty and The Breast"; and,

WHEREAS, beauty salon owners will work with the American Cancer Society volunteers in presenting a 15-20 minute presentation and demonstration of breast self exam in beauty salons across the city; and,

WHEREAS, breast cancer is the leading cause of cancer death among African-American women. Thirty-seven percent of African-Americans diagnosed with breast cancer are under the age of 50, compared with 22 percent of white women; and,

WHEREAS, with more information and early screening, 30 percent more women with breast cancer could be cured.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the American Cancer Society and the Race for the Cure's SisterReach Advisory Council for bringing to the community information that could save lives.

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Ms. McDonald:

I do applaud that I did not realize that a lot of the demonstrations and I guess the education is in the beauty salons because that is where a lot of ladies go. So, that is a good idea and I commend you for this, and we all need to work together

for the cure. Thank you. And, now I would like to have somebody --

Ms. Baker:

Thank you. First of all, I would like to thank my committee, the SisterReach Advisory Council, all the women and men who are working on this committee are doing a tremendous job in trying to get the word out about breast cancer and early detection. I would like to thank the City Council for giving us this resolution and recognizing us in the work that we are doing. Thank you very much.

Ms. Durham:

My name is Yvonne Durham and I am a breast cancer survivor and I am indeed honored to be a part of this project, it is very important to educate our community, to empower them, to help the navigation process to getting good health care in our community. And, I would like to say that we have the pink ribbon, which is a Breast Cancer Awareness pin made possible by the Avon Foundation Corporation. Thank you very much.

The Chair:

Thank you. And, one to be read into the record.

MS. McDONALD PRESENTS

No. 2178 WHEREAS, on June 23, 1995, BET (Black Entertainment Television) will host their second annual "All Star Celebrity" softball game and boat ride in Pittsburgh; and,

WHEREAS, the BET softball game is played in honor of the Pittsburgh Crawfords and the Homestead Grays, two local teams that were powerhouses in the old Negro Baseball League; and,

WHEREAS, BET is the nations first and only basic cable television network providing a platform for quality programming targeted towards an African-American audience; and,

WHEREAS, BET will host celebrities from the music, sports, and movie industry for a day of entertainment for the entire family to enjoy.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend BET (Black Entertainment Television) for bringing quality entertainment to Pittsburgh for all residents to enjoy.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares June 24, 1995 as "BET DAY" in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Councilman Cusick.

Mr. Cusick:

Mr. President.

The Chair:

Thank you, Mr. Cusick.

Mr. Cusick:

I would like to ask the people from IBEW, International Brotherhood of Electrical Workers, to please come forward.

MR. CUSICK PRESENTS

No. 2179 WHEREAS, the Council of the City of Pittsburgh, has a compelling interest in protecting the citizens from interrupted or inadequate service, and,

WHEREAS, this responsibility is even greater when a business provides the greater necessities of life, such as water, sewer and power, and,

WHEREAS, Duquesne Light Company continues to provide safe and reliable service to it's customers in the city of Pittsburgh, and,

WHEREAS, the Banksville Headquarters is the only facility in the South Hills section of the city, and,

WHEREAS, the closing of this facility will adversely affect customer satisfaction, service reliability and the ability of Duquesne Light to deal swiftly with emergency outages in a highly condensed, populated area, and,

WHEREAS, Duquesne Light's employees are its most vital asset and are responsible for the future success of this Company, and,

WHEREAS, Duquesne Light has pursued reductions in front line employees as its primary means of cost containment and all costs incurred by Duquesne Light are ultimately passed on to the rate payers, and,

WHEREAS, the loss of good-paying jobs threatens the economic well-being of the workers, their communities, the City of Pittsburgh and other sections of Western Pennsylvania and the loss of these employees may result in service interruptions and threats to public safety.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh urges Duquesne Light Company not to close the Banksville facility and to resolve this matter in a manner which recognizes the unique roles that it's permanent front-line employees will play in it's continues growth and success as well as the negative effect the closing of a facility and the layoff of employees has on the area they serve.

SPONSORED BY COUNCILMEMBERS JOE CUSICK, DAN COHEN, JIM FERLO, ALAN HERTZBERG, VALERIE McDONALD, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MR. CUSICK moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Cusick:

We have the members from the International Brotherhood of Electrical Workers here today. Vic Fiore, the Assistant Business Manager, Rich Luczko, Dan Gearhart and Jim Britsch, are with us today. I am going to ask Jeff Davis, the spokesperson for this group, to come up and explain what is going on.

I am somewhat embarrassed to only be bringing it to the floor and to this Council only today when some of the smaller municipalities that this facility serves have been out on the front line. The Mayor of Dormont, Mayor Lloyd, and the Mayor of Castle Shannon, Mayor O'Malley, have already been out and have already shown their discontent in the probability of this facility being closed.

I think that for the most part Jeff will tell us how this important facility plays such an important role in providing the South Hills area, not only with service and getting our service back on line. This weekend we had what I consider a disaster in the Overbrook area and again this facility played an important role in making sure that people had electricity and they were safe.

So, I am going to let Jeff speak to you a bit here about what is exactly going on in the Banksville facility. Jeff.

Mr. Davis:

Thank you, Joe. I will just take a minute. What this is all about, the five of us here represent employees at Duquesne Light Company. We are all with the International Brotherhood of Electrical Workers.

On May 25th, Duquesne Light Company announced to us that they were eliminating 77 good paying jobs in their Customer Service Divisions throughout their service territory, not just at Banksville Road. They also announced to us that they intended to close the Banksville facility, a facility where the line workers go out and restore power and provide services and installation of power to new facilities and so on. This has served the area for over 40 years and provided we feel quality service with our people.

Now, through the elimination of this, which serves the South Side of Pittsburgh and the South Hills, Duquesne Light has already eliminated over 400 good paying union and non-union jobs just in the last two years alone, now they are going to eliminate 77 more here.

In this closing of this facility the company intends to service this area for primarily from Aliquippa and McKeesport facilities. So, besides the fact that, as Joe has mentioned, that people have already seen with recent storms the fact that they have to wait much longer when they have power outages due to the storms that we get in this time of year, they now will have to also wait for people and even less people in total to travel from further locations to come in to restore power for them.

Duquesne Light has done this they tell us because they have to prepare for competition in the electric utility industry. So far as of this date Duquesne Light has not lost one customer due to any competition in the industry.

I would like to thank City Council for their support, we certainly appreciate it, and thank you all.

The Chair:

Thank you. Thank you, colleagues. I would also ask that as an amendment to this resolution we consider filing an official notice with the Public Utility Commission asking them to review the service implication, which is the mandate under the Public Utility Commission. If there is no objection I would like to ask Mr. Cusick to forward the resolution to the PUC and ask for a formal review regarding the issue of cutback in services.

Mr. Cusick:

Thank you, Mr. Ferlo, and I will do just that. I would also like the public to know that we are sending Mr. Wesley von Schack from Duquesne Light, the Chairman of the Board/Executive Director, a letter from this Council and asking him to reconsider the closure of the Banksville facility and I believe all my colleagues up to this point have signed off on that and I do appreciate it and if you haven't, please get in touch with me so that you can join on this. This does affect four Council districts. Thank you.

The Chair:

Thank you, Councilman. Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President. At this time will Vince DelRiccio, Giuseppe D'Andrea and Michael Aquaviva please come forward. And, as they are coming forward, I want to say this proclamation is sponsored by myself, Councilman Gene Ricciardi and Councilman Ferlo. I am going to read the proclamation because it is self-explanatory, and then we are going to hear from Mr. D'Andrea and Mr. DelRiccio.

MR. ONORATO PRESENTS

No. 2180 WHEREAS, Safinim the First Molise, an extraordinary historical and cultural exhibition which details the civilization of the Samnites has been brought to the PPG Plaza Wintergarden and will be displayed there from June 24 to July 22, 1995;

WHEREAS, the Samnites were warriors who held back the Romans for 40 years during the Fourth Century but were eventually defeated and their land was annexed to the Roman Empire; and,

WHEREAS, the exhibit is the result of accurate research and rigorous studies conducted over recent years. The monuments and material evidence on exhibit give a detailed image of the Molise region and the rich patrimony of cultural riches which it safeguards; and,

WHEREAS, Mr. Giuseppe D'Andrea, the Italian Consul, who was born in the Molise region of Italy met personally with the Italian delegation in charge of the exhibit in Washington, D.C. and Toronto, Canada, to arrange a display of the exhibit in Pittsburgh; and,

WHEREAS, Mr. D'Andrea arranged a delegation of individuals from Molise to form a welcoming committee which includes Dr. Angelo Armenti, Amato Berardi, Lucian Caste, Giuseppe D'Andrea, Cav. Lucio D'Andrea, George DeLallo, Vincenzo DelRiccio, Anna Marie Fiori, Larry Frediani, Antonio

Gianfrancesco, Rose Giarrusso, Julia Ippolito, Dr. Richard Juliani, Carmine Lombardi, Marian Giovannitti McDonough, Nancy Tesone Michaels, the Honorable Dan Onorato, Theodore Ruscitti, Marylou Parey Stefanko, the Honorable Patrick Tamilia, Mark Tamilia, Joseph Tesone, James Tortola, Tom Underiner, Antonio Vitullo, Tony D'Imperio, Goffreda Vitullo, and Fernando Vitullo; and,

WHEREAS, the committee is honored to have Dr. Marcello Veneziale, Governor of the region of Molise, in Pittsburgh to head the delegation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes Dr. Marcello Veneziale, Governor of the Molise region, and "Safinim; The First Molise" exhibit to our City.

FURTHER BE IT RESOLVED, that the Council of the City of Pittsburgh commends Mr. Giuseppe D'Andrea and all those involved in bringing this exhibit to Pittsburgh.

SPONSORED BY COUNCILMEMBERS DAN ONORATO, JIM FERLO AND GENE RICCIARDI

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Welcome.

Mr. Onorato:

And, at this time, Mr. D'Andrea, let me give you this, and say a few words, please.

The Chair:

Welcome. Welcome.

Mr. D'Andrea:

Mr. Ferlo, President of the Council, and Members of the Council, ladies and gentlemen being present also of the City of Pittsburgh, I accept this on behalf of the Consul Office, which I represent, the Republic of Italy, and all those Italians here and Italy, especially those who come from the region of Molise, one of the 20 regions in Italy.

The names you heard are those whose ancestors came to Pittsburgh to enrich this land and to enrich this City. The Governor of the region could not be here with us, because as you know, public officials have crises. There is a major factory closing nearby, he took office three weeks ago, and the first charge was, don't leave town because some of the jobs are at stake. So, you allow for the means for when you are a public official, elected, you don't leave your post when especially jobs are at stake. So, he could not be with us.

But, he sent us an Ambassador, the Attorney Vincenzo DelRiccio, who resides in Toronto but also lives in Italy. He has been with the Italian Trade Commission Office in Toronto for 12 years promoting economic and commerce relationships between two countries and was also in charge of opening up a Center for Culture

in Italy, the Center for American Arts, that is first Americans, he will tell you a little bit about it, and we tried to do the same thing here in Pittsburgh, that is, let the Italians know about first Americans who enriched first this land in a sense of America. Those who came later certainly enriched it but they were first. The Aborigines are the first Americans.

Mr. DelRiccio.

The Chair:

Welcome.

Mr. DelRiccio:

Thank you. Thank you very much. I am bringing to you the greetings of the Governor of the region of Molise and Safinim and all the people in Molise, to you and to all the City of Pittsburgh and in a special way, to the people originating from the region of Molise, I understand Dan Onorato here is one of them. So, thank you very much.

And, we have this exhibition at the Wintergarden and I invite you to see a little bit of our history that goes back to 700,000 years ago. In our region of Molise has been discovered one of the ancient remains of the humans available on art, going back, as I say, to 730,000 years ago, and this was led by Professor Alan McPherron, here at the Department of Anthropology at the University of Pittsburgh. So, there are special links between Pittsburgh and Molise. So, I invite you to visit this exhibit and to see a little bit of our history.

And, also, as Mr. D'Andrea was explaining, we want to build in Molise -- we are already building -- a Center for Aboriginal North American Arts. We have already a large collection of Canadian Aboriginal pieces, and we want to start it with United States Aboriginal Arts, and I hope this will be done soon. But, we have also in Italy all the culture of this particular idea. Thank you very much.

The Chair:

Thank you, Doctor.

Mr. D'Andrea:

I thank Vincenzo for his presence. But, Dan Onorato should know that his town of Molise is over 2,000 years old. Just now what was explained to him, it's before the Romans arrived, was settled there. Footnote on history. The exhibit to be there. I thank you for those who came last night and I hope many will come the 22nd of July. Bring young people to learn about civilizations of the world, that's important they be present. Adults, you know we can tolerate in a way, but young people must learn about each other. Gracias, Dan. Gracias Councilman Ricciardi, Gracias Councilman Ferlo.

The Chair:

Gracias. Councilman Ricciardi and then Councilman Cohen.

Mr. Ricciardi:

Well, I would just like to thank our guests today, especially Giuseppe D'Andrea, who continues to bring the Italian culture and traditions here to the City of Pittsburgh, and we would like to thank our guests today. Thank you very much.

The Chair:

Thank you. Councilman Cohen.

Mr. Cohen:

Thank you very much. I also want to congratulate Giuseppe D'Andrea, the Italian Consul, for bringing this wonderful exhibit to us. We were all provided with this brochure – it is hard to even call it a brochure because it is just a beautiful, beautiful piece about that section of Italy. I look forward to reading it. And, Mr. D'Andrea, you are like a one-person public relations man for the beautiful land of Italy and it is just wonderful to have you here. And, congratulations to Dan Onorato and Jim Ferlo and Gene Ricciardi for bringing this proclamation here today.

The Chair:

Councilman Onorato, I believe you have some other guests.

Mr. Onorato:

Yes. At this time I would like to have Bill Neal come forward, Ray Zellars, and his parents Mr. and Mrs. Zellars. And, as they come forward, we tried to have Mr. Curtis Martin, unfortunately he could not make it today.

Once again I am going to read the proclamation and then I am going to turn it over to Mr. Neal and he is going to introduce our special guest today.

MR. ONORATO PRESENTS

No. 2181 WHEREAS, Ray Zellars is a graduate and football star of Oliver High School, located in Pittsburgh's North Side and a graduate and star performer of Notre Dame University; and,

WHEREAS, he was nominated for the outstanding play of the year by ESPN; and,

WHEREAS, he was a high draft selection by the New Orleans Saints of the NFL;

WHEREAS, he will host the Curtis Martin/Ray Zellars All-Pro High School Football Camp for Inner City Youth. Ray Zellars is a terrific person, community supporter and a hometown success story; and,

WHEREAS, Curtis Martin is a graduate and football star of Taylor Allderdice High School and a graduate and star performer from the University of Pittsburgh; and,

WHEREAS, he was a high draft selection by the New England Patriots of the NFL; and,

WHEREAS, Curtis Martin will also host the Curtis Martin/Ray Zellars All-Pro High School Football Camp for Inner City Youth and is an all around great person and community supporter.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends Ray Zellars and Curtis Martin for all their achievements and wishes them the best of luck in the NFL.

FURTHER, BE IT RESOLVED, that the Council of the City of Pittsburgh thanks them for their efforts with the Curtis Martin/Ray Zellars All-Pro High

School Football Camp for Inner City Youth and for all their community support.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

First before I turn it over to Mr. Neal, let me just say it gives me great pleasure to give the award to Mr. Zellars, being from the North Side and being a great success story for the North Side, but I also want to thank him for not letting his own personal success pull him away from his roots, and I want to thank you for giving something back to our community, even now as you move on, because the children of the North Side throughout the City appreciate it and they need it and you are going to be a great role model for all of us there. I want to give you this.

Mr. Zellars:

Thank you.

Mr. Onorato:

At this time I am going to have Mr. Neal come forward to introduce everyone. Mr. Neal.

Mr. Neal:

Thank you, Councilman, and hello to everyone. It is really my pleasure to be here with Ray Zellars today, unfortunately Curtis Martin could not join us because of obligations to his new team, the New England Patriots. Both of these gentlemen demonstrate tremendous character and development as individuals. I cannot take very much credit at all for the development of Ray Zellars or Curtis Martin, but as the Director of the Champions Association, a 20 year old agency here in the City of Pittsburgh whose business it is to build champions and championship attitude and character, I can tell you that Ray Zellars exhibits that as well as anyone that has come through our City. Certainly we have had a tremendous amount of stars out of our high school ranks over the years, such people as Kenny Durrett and Dwight Clay, and an endless list of superstars. This young man, coming from Oliver High School, becoming a star at Notre Dame, let alone the accomplishment of going there, being a student and graduating, but maintaining star status while he was there, being drafted by the New Orleans Saints, we feel demonstrates very strongly to other young people in this community what one person can do if they have the attitude to do it. Therefore, we have been very fortunate to have Ray Zellars and Curtis Martin join the Champions Association and Cameron Coca-Cola and Attorney Dwayne Woodruff in presenting the first and hopefully ongoing Ray Zellars/Curtis Martin Football Camp for high school youth. The camp will be for high school Sophomores, Juniors and Seniors returning to school next year. So, I want to send out a message to all those young people that want to participate in this camp, it is free, it will feature both Ray and Curtis at the camp and other coaches giving instructions on Saturday, July 8th at Schenley Oval in Schenley Park. Again, the camp is free to young people and guest speaker will be Franco Harris and Dwayne Woodruff.

In closing I would say this, if we can get more people that have come through our City that have gone on to become successful, like Ray Zellars, not only athletes but professional persons as well, to reach back and give something back like these guys are doing, I think it will make our job as community developers a great deal easier.

Now I present to you Ray Zellars.

Mr. Zellars:

At this time I would just like to thank City Council for this fine award I have received today. And, I would like to send a special thanks out to City Council, Dan Onorato, a thanks to Bill Neal and the Champions Association, a special thanks to my head coach Lou Holtz at the University of Notre Dame, my head coach at Oliver High School, Joe Ziglowitz, my advisor at high school, Margaret Clincliff, for all her guidance and support, and a special thanks to my parents, Mr. and Mrs. Zellars, for all their guidance and advice and support. Thank you.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Bill, I just want to congratulate you and the Champions on all the work you do, you're hard to keep up with. And, Ray, it was a pleasure, I was up in Notre Dame a couple times watching you from the stands and every time you would have a good run I would say, "He's from Pittsburgh," tell everybody around me. So, you are certainly a credit to the community and I wish you the best.

Mr. Zellars:

Thank you.

The Chair:

Councilman Udin.

Mr. Udin:

Yes. I just wanted to again congratulate Mr. Zellars and the Zellars family and Bill Neal for the work that you are doing. As Bill said earlier, we have produced a lot of stars in Pittsburgh to the professional athletic ranks but seldom do they maintain the kind of ties that you are establishing with this football camp. Good luck in your career, and I hope that throughout your career you will remember the kind of roots and the preparation that your family made for you and remember the community that built you and developed you. Good Luck.

Mr. Zellars:

Thank you.

The Chair:

Thank you. Congratulations. Bill.

Mr. Neal:

Not very often do I have an opportunity to make a political statement, but at this time I would like to suggest that – Ray and Curtis and I would like to see the camp to go on for many years to come and if consideration can be given by Council to put the program in the budget, we will submit a complete proposal in

hopes that we can take the hundred young people that we work with now and turn that in to 500. You may have heard just recently that Johnnie Majors had over 800 people at the University for a camp, but it is selective and limited, so there are a lot of inner-city youth that need to have a place that they can go and this program can be that for years to come.

Mr. Hertzberg:

Mr. President, I would like to make a response --

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

-- because I think that is a very good point. I sent my son to Merrill Hoge's Camp last summer and after that and after seeing the people that were there at that particular camp and paying the price of it, I sent a letter to the sponsors asking them whether they had any scholarships or any programs for inner-city youth that could not afford the camp and I got no response whatsoever.

Mr. Neal:

Well, the average camp cost can range anywhere from $125.00 to $350.00. I think Penn State University's Camp -- and it is par for the course -- but they are up above $300.00. This camp is free, offers the same opportunities, T-shirts, caps, lunch, instructions from great professional athletes, and it is the opportunity to work with professional athletes after they have come out of the City and come back, as Sala said, is not always available to us. So, when we have these opportunities we need to capitalize on them and utilize these talents. If you saw Ray Zellars' run that was nominated for ESPN Play of the Year nationally, you know that he has the capability to become a mega-star in the NFL. What that could do for our community in years to come, no one knows. I mean these guys might come back in two years and be able to do tremendous things with our young people. So, we need to take advantage of it while we can.

The Chair:

Thank you, Bill. Thank you. Are there any other resolutions to be brought before the body? If not, moving to Presentation of Papers, Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

No bills from the Administration, Mr. President,

The Chair:

Thank you, Mr. Cohen. Councilman Cohen for Councilman Cusick, Committee on Engineering and Construction.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen. And, thank you for chairing the meeting last week in my absence.

Mr. Cohen:

And so did Councilman Onorato.

The Chair:

And Mr. Onorato..

MR. CUSICK PRESENTED

No. 2182 Resolution providing for the issuance of a warrant in favor of Parfitt/Ling Consulting Engineers in the amount of $7,036.50 in payment of consulting services on various City projects; charging the same to Code Account EC 95-226, 3-13-95-0001-95.
Which was read and referred to the Committee on Finance and Budget.

MR. HERTZBERG PRESENTED

No. 2183 Resolution authorizing the issuance of a warrant in favor of the Sheraton Hotel, Station Square, in the amount of Nine Thousand Two Hundred Seventy-Eight Dollars in payment for the CitiParks Center Program Volunteer Program Volunteer Recognition Gala, from the Senior Citizens Program Trust Fund SCPTF, in the Department of Parks and Recreation.

Also,

No. 2184 Resolution authorizing the issuance of a warrant in favor of the Gardwell Manufacturing Corp. in the amount of Seven Thousand Three Hundred Seventy-Three Dollars ($7,373.00), chargeable to and payable from the Swimming Pool Maintenance Trust Fund, SPMTF, in the Department of Parks and Recreation.

Also,

No. 2185 Resolution authorizing the issuance of a warrant in favor of Geyer Printing Company, Inc., in the amount of $21,916.00 in payment of services with the printing of the Department's Summer Magazine, chargeable and payable from Code Account 1801, Miscellaneous Services, in the Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance and Budget.

Also,

No. 2186 Resolution providing for an agreement or agreements with Burns Computer Service for the purpose of providing professional services for the 1995 Great Race/Finish Line for the Department of Parks and Recreation. The total cost shall not exceed $17,100.00, and shall be chargeable to and payable from Code Account SPP, Special Parks Programs Trust Fund, in the Department of Parks and Recreation.

Also,

No. 2187 Resolution authorizing the Director of the Department of Parks and Recreation to approve expenditures of an explanatory nature, not to exceed $1,000.00, in connection with the Community Enrichment Program.

Which were read and referred to the Committee on Parks, Recreation and Youth Policy.

MS. McDONALD PRESENTED

No. 2188 Resolution authorizing the URA to acquire that property in the Manchester Redevelopment Area, in the 21st Ward of the City of Pittsburgh, owned by the U.S. Department of Housing and Urban Development and designated as Block and Lot 22-L-162. The acquisition price is $20,700.00.

Also,

No. 2189 Resolution approving the sale of Block and Lot 22-L-162 in the 21st Ward of the City of Pittsburgh by and between the URA and Manchester Citizens Corp., for $1.00 plus costs (residential rehabilitation).

Also,

No. 2190 Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and 600 Waterfront Associates for the sale of Parcel 3 in the Twenty-Fourth Ward of the City of Pittsburgh in Redevelopment Area No. 45 (Office Building Construction). The purchase price is $206,212.21.

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2191 Resolution transferring the amount of $1,000.00 from Code Account 1103 Miscellaneous Services, Department of City Planning, to Code Account 1805 Miscellaneous Services, Department of Parks and Recreation. **(SPONSORED BY MR. O'CONNOR).**

Which was read and referred to the Committee on Finance and Budget.
Also,

for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $123,750.00 chargeable to and payable from Code Account 1103 Miscellaneous Services, Department of City Planning" by changing the Grant Recipient St. Rosalia Food Bank from $1,000.00 to $0. **(SPONSORED BY MR. O'CONNOR).**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

Also,

No. 2193 Resolution amending Resolution 162/1995 entitled: "Resolution providing for an Agreement with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh at a cost not to exceed $97,000.00 chargeable to and payable from Code Account 1805 Miscellaneous Services, Recreation, in the Department of Parks and Recreation", by adding Hazelwood Pony and Colt League, $1,000.00. **(SPONSORED BY MR. O'CONNOR).**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2194 Resolution further amending Resolution No. 973, effective January 1, 1995, entitled "Resolution adopting and approving the 1995 Capital Budget" is hereby amended by increasing line item 474 Financial Information Systems, City Information Systems, by $1,900,000.00 from $700,000.00 to $2,600,000.00. **(The $1.9 million will be used to acquire city-wide financial software, maintenance and training).**

Also,

No. 2195 Resolution providing for the advertisement for proposals and to award and enter into an agreement and/or contract or use existing agreements and/or contracts in connection with the acquisition, maintenance, implementation and training of a City-wide financial software application at a cost not to exceed $1,900,000.00. **(This contract will permit the acquisition of the new financial system software which will be utilized on a city-wide basis The contract will not exceed $1.9 million dollars and will be partially front funded).**

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

Also,

No. 2196 Resolution providing for an agreement or agreements with the County of Allegheny to provide outgoing mailing services for the City of Pittsburgh, at a total cost not to exceed $615,000, chargeable to and payable from Code Account No. 51, Departmental Postage, Department of Finance.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2197 Resolution granting unto Starbucks Coffee Company, 1120 Smallman Street, Pittsburgh, Pennsylvania, 15217, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on Shady Avenue in the 14th Ward, 5th Council District of the City of Pittsburgh.

Also,

No. 2198 Resolution granting unto Chris Oberst, 1433 Forsythe Street, Pittsburgh, Pennsylvania, 15212, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a set of steps and fence into a portion of the right-of-way on Casement Street in the 27th Ward, 1st Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2199 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by creating an administrative permit process and administrator exception for

authorization to install a swimming pool, pool deck, garage, carport, parking stall, storage shed, gazebo, deck or air conditioner/condenser within a limited portion of specified yard setbacks when accessory to a one-family, two-family or rowhouse type dwelling use and structure in any district.—**(ALL COUNCIL DISTRICTS)**

Also,

No. 2200 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 12, by changing from "M3" Light Industrial District to "CP" Commercial Planned Unit Development District all that certain property having frontage on the southerly side of Wharton Street between South 20th Street and South 21st Street, 17th Ward.—**(COUNCIL DISTRICT NO. 3)**

Also,

No. 2201 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map Nos. 7 and 12, by changing from "R 3" Multiple-Family Residence District, "C3" Commercial District, and "M4" Heavy Industrial District to "RP" Residential Planned Unit Development District certain property located between Monongahela River and Wharton and Muriel Streets and between South 16th Street and South 19th Street, 17th Ward.—**(COUNCIL DISTRICT NO. 3)**

Which were severally read and referred to the Committee on Planning, Zoning and Land Use.

THE CHAIR PRESENTED

No. 2202 Communication from Eloise Hirsh, Director, Department of City Planning, submitting the recertification of Area "K" in Squirrel Hill for the Residential Parking Permit Program in accordance with the Pittsburgh Code, title Five, Traffic, Chapter 549, Residential Parking Permit Program, Section 549.06(d).

Which was read.

The Chair:

We need a motion to receive and file. Since we amended the Zoning Code for recertification process I believe this is probably the first actual recertification that comes to us from the Director in the form of a communication and not a formal resolution which will go to the Wednesday Session. So, we need a report, unless there is some objection.

Mr. Cohen:

Motion to receive and file.

MR. RICCIARDI seconded the motion.

The Chair:

So, the motion on the floor is receive and file. Moved and seconded. All in favor.

WHICH MOTION PREVAILED.

The Chair:

Any other matter regarding Presentation of Papers?

UNFINISHED BUSINESS

The Chair:

Regarding Unfinished Business or Reports of Special Committees, are there any matters to be brought before the body?

I want to just quickly, if you will permit me, I was not here last week, I was out of town, but I did want to just thank a few people, I will try to do it very quickly prior to the end of the discussion under Motions and Resolutions, and that is in regards to the whole "Project Safe Summer" and the Helmet initiative.

First of all, I want to thank the Mayor and his staff and certainly primarily all of my colleagues here today, who voted in sustaining this effort with some up-front money to really get the whole project off the ground, and without that sense of commitment and sense of urgency, I would not have been able to succeed and move this project ahead.

Organizationally the project really could not have helped and without Craig Straw from my office, in particular, as well as Gerri Hunter and Paul Girdany, probably the three of them responded in the last ten days to over 3000 phone calls into our office, both prior and following Saturday, June 17th's helmet distribution day, and I want to thank them from the bottom of my heart because they worked very hard and they were very diligent about the initiative.

We have raised -- right now the total bill for the helmets is $66,780.00, that is roughly 11,000 helmets that we purchased.

I do want to thank publicly -- we will have a formal session. I have asked the Mayor to come into Chambers after the holiday summer session when some of these folks can be brought in.

But, I do want to thank the Heinz Family Foundation for a $10,000.00 grant to help us with the purchase of the helmets. I want to thank Blue Cross/Blue Shield for a $5,000.00 grant. I want to thank Aetna Health Plan for a $5,000.00 grant. I want to thank Three Rivers Coin, Mr. Bill Curtin, for a $5,000.00 grant, Edward J. DeBartolo, Jr., for a $5,000.00 grant. HealthAmerica, which I am a member of, I would like to thank them for a $2500.00 grant. I would like to thank the Jewish Health Care Foundation for a $2500.00 grant, the Integra Bank for a $2,045.00 -- I don't why I got the $45.00 but we'll take it, it bought a few helmets, I want to thank Integra. I want to thank a number of hospitals: St. Francis Medical Center for a $1500.00 contribution, our local program that aids citizen enterprise, the PACE Foundation, for a $1500.00 grant, the Buncher Company for a $1,000.00, Mellon Bank, TCI of Pennsylvania, Shadyside Hospital, Children's Hospital, Heinz Corporation, the actual corporation on the North Side, all for contributing $1,000.00 each, as well as Bob Mistick, Robert Mistick, who contributed $1,000.00, the Allegheny County Medical Society, who contributed $750.00. Some smaller contributions but significant came from IBEW, some of those folks were here today, they contributed $650.00, the Rehabilitation Institute of Pittsburgh, $500.00, the Donald and Sylvia Robinson Foundation, $500.00. And, to date we have collected about $3500.00 in smaller contributions, checks from $6.50, $8.00, $10.00, $12.00. We have collected about $3500.00 from individuals who thought enough to send a donation along. As well Three Rivers

Coin and Polar Water teamed up and we have 150 Polar Water containers out at about 150 taverns and restaurants around the Pittsburgh area, and we are asking for individuals to contribute and I want to thank those folks for their efforts.

We have raised about $56,000.00 to date, we are about $10,000.00 short, and we are still on the agenda for a number of local foundations and corporations still working, and if any of my colleagues can help me in that respect, I would appreciate it.

But, I want to thank all of those folks most notably for their commitment, it was a great day. Organizationally this project could not happen without at least 400 volunteers, who worked that day. Specifically, I want to thank the Fire Bureau, both the union, headed by Don Dorsey, the Volunteer Coordinator, as well as our Chief, the EMS Bureau, both the union and the bureau worked very hard, our COP Officers were out ahead of time issuing citations which actually were warnings, notifying the young children that they needed to be there on Saturday to get their helmet, and the folks from the Mayor's Office.

I do want the public record to reflect all of my colleagues, many of your staff were actual coordinators, it was not a picnic that day, it was a very difficult task with upwards of 250, 300 kids at many locations with their parents. I know I was at Stanton Heights, we had 150 kids in line at 11 a.m. There were only two places, I think Shadyside, Swisshelm Park that came up a little bit short, and that is actually good because those helmets were badly needed. We have over 1500 names of individuals who need or wanted a helmet and showed up but could not get a helmet that day because we ran out at the 42 locations.

I do want to thank Nora Hassett from Councilman Ricciardi's Office, who helped to coordinate one of the sites, as well as Carmen Pace from our Clerk's Office, who worked very hard in the Hill District community, Dorry Lang from Mr. Onorato's Office, Bill Peduto, who single-handedly helped coordinate the Shadyside Boy's and Girl's Club initiative, Jolene Edwards, who worked really hard, bringing a VCR and a T.V. down at the last minute when we came up short with the equipment that we need, from Councilman Hertzberg's Office. Our own City Clerk, Linda Johnson-Wasler, was out there coordinating one of the fire stations in Homewood and I know she worked very hard. Ralph Rectenwald also helped and we want to thank him from Councilman Hertzberg's Office. Kurt Salac also got hustled in to delivering some helmets to the various fire stations, as well Chuck Crawford from Mr. Onorato's Office. Mr. Cusick, Cathy Feeney and Bill Urban and Stan Scalise and Leslie, your new intern, worked very hard in helping to coordinate several of the sites in your Council District. Also John Morgan from the City Controller's Office was a coordinator at the Swisshelm Park Fire Station. And, I want to thank Tony Caiaccia and Bob Keys from the retirees, who recruited a lot of the individuals to be at the place. I want to thank over 400 volunteers.

I also want to mention that the 29th Ward Democratic Committee, the Carrick Community Council, the Oakwood Civic League also thought enough, besides their own volunteerism and hard work that day, they also significantly contributed money

and sent a check to Children's Hospital. All monies as you know are being handled and coordinated through Children's Hospital. If there are others who would still like to help pay and get me up to my 10,000 plus goal, you can make a check payable to Children's Hospital and please send it along to my office. My number is 255-2140.

I do want to thank the media also, especially KDKA Radio, who did a good job in helping us to promote and kind of officially co-sponsored the event, as well when the Post Gazette article came out and the Tribune article, we were swomped with calls, there were individuals calling and asking for the locations.

It was great activity. I will enter into the public record a list, so I would like it in the public record, of a lot of the participants, and I do not want to read the names all now, but I will submit it to the Clerk's Office.

Having said all that, I just want to say thank you, "Project Safe Summer" is still not over with, it was a great event that day. I would estimate about 11,000 families were assisted that day, and it was just not a free helmet giveaway, which is important. I would say at least 85 to 90 percent of the locations the children and their parents went through the educational process to make children understand the importance and the need of wearing the bike helmet and/or the helmet for in-line skating.

So, I want to thank all of my colleagues. I may have to come back with you to give me some Stop Gap Fundings because the invoice is on the line but I am confident that with your help I will be able to raise the rest of the money.

So, again, thank you and thank you all, to the volunteers, and after the summer session we will have a Gold Helmet Presentation for the major contributors.

List of Volunteers:

NAME	SITE VOLUNT
Jolene Edwards	Sheraden Youth
Gary Edwards	Sheraden Youth
Carmen Pace	#5
John Collier	#5
Antwan Collier	#5
Crystal	#5
Rosemary	St. Catherine
Linda Hrabar	#7
Deborah Glenn	# 33
Lawrence Fleam	Garfield Artworks
Joann Fleam	Garfield Artworks
Bonita David	Garfield Artworks
Betty Lane	#8
Kenneth Jones	#8
Walt Thompson	# 11
Alexis Panalia	# 11
Lynn Linke	# 18
Emelia &	L'ville Boys & Girls
Bernie Petkunas	# 12
Mary Ann	# 12
Rob Jones	# 17
Shelly Calieuiri	Sheraden Youth
Alberta Flowers	#7
Shirley Nusser	# 33
MaryAnne	# 33
Emily Bell	Where needed
Beatrice	#5
Carol Rossiter	# 27
Melissa Rositter	# 27
Lucy Spruill	# 18
Carole &	# 10 Medic Station
June Coyne	Garfield Artworks
Brian Coyne	Garfield Artworks
Shirley	# 10
Rose Lang	# 10
Gerry Yeager	# 32
Paul Gaffney	#7
Mary Ann	#7
Gerri Coffey	#7
Kevin Quinlan	#6
Kimberly	#6
Bernie Cohen-	#7
Donna Babir	#8
David Klahr	#8
Tillie Janicki	# 37
Kimberly	Where needed
Victor Aguston,	# 14

Eva Avinger	# 31
Maya & Karen	#8
Carrick	# 23
Caroline	# 23
Bernard Maieski	# 23
Nick Viglione	# 23
Eileen Grentz	# 23
Rose Hoffman	# 23
Bob Zebra	# 23
John Listisen	# 29
Lena Honiec	L'ville Boys & Girls
Beverly Aurand	# 15
Patti Kumner	#6
Charles Cotton	#6
Vicki Snyder	# 29
Cathy Griffey	L'ville Boys & Girls
Jessie Start	L'ville Boys & Girls
Ernie Pearl	# 17
Jill Evans	# 2 Medic Station
Joann Fountain	# 14
Esther Stevens	# 14
Kathleen	# 31
Jim McNally	# 23
Ora Lee Carroll	#8
Raricoes Carroll	#8
Kevin Jones	#8
Chris Prince	#8
Temesha	#8
Virginia Cortez	# 10
Ann	L'ville Boys & Girls
Dorothy	St. Catherine
Terri Rosen	# 18
Karen Hertzberg	Sheraden Youth
Joe Cahill-	# 14
Mary Jones	#9
Corinne	#7
Reenie Bonner	# 31
Charnella	# 11
Dennis Galati	# 10 Medic Station
George Smith	# 37
Kim Platt	#8
Darren McNeil	St. Catherine
Fran Albright	# 19
Sara Malakoff	# 18
John Phillippi	# 19
John Schaude	# 19
Marie Scotty	# 10 Medic Station
Helen Tallerico	# 26
Mary Lubarski	#7
Gail Payne	#7
Carol Dew	# 2 Medic Station
David Kubit	#9
Timothy	Garfield Artworks
Marie Dixon	# 31
Regina Dixon	# 31
Florence Dixon	# 31
Cathy Feeney	St. Catherine
Stan Scalise	# 26
Linda Johnson-	# 15
Mr. & Mrs.	# 33
Nancy Kulwicki	#7
Erin Meade	# 18
Henry Mallory	# 14
Connie Moore	#6
Patti Canozoli	# 24
Carla Bailey	Fairywood Health
Frank Morris	Fairywood Health
Terry Blow	Fairywood Health
Geneva	Fairywood Health
Barbara	Fairywood Health
Carolyn Hall	Fairywood Health
Scharness	Fairywood Health
Rhonda Watson	Fairywood Health
Dale Bowles	Fairywood Health
Raymond	Fairywood Health
Joyce Murray	Fairywood Health
Saundra Sharees	Fairywood Health
Diane Jackson	Fairywood Health
Sherry Parrot	Fairywood Health
Yolonda Norris	#6
Jackie Tune	#6
Darlene Harris	# 39
Tom McEndoo	# 21
Dorry Lang	# 10 Medic Station
Terese Muschar	# 10 Medic Station
Tracey Edwards	#4 Medic Station
Kevin Braun	# 2 Medic Station
Colleen Helwich	West Penn Rec.
Marie	West Penn Rec.
Paula Knano	West Penn Rec.
Ruth Rizner	West Penn Rec.
Harold Denney	# 34
Robert Weid	# 22
Debra	# 22
Candace	# 22
Elizabeth	# 22
Robin Parrish	# 22
Michele Balcer	# 22
Teri Cataldo	# 22
Pat Clemens	# 22
Amber Pro	# 22
Becky Sheehan	# 22
Pauline	# 33
Carol Lintak	# 34
Dwight White	Garfield Artworks
Matt Hazel	Garfield Artworks
Michael Hazel	Garfield Artworks
Sherry Hazel	Garfield Artworks
Jack Hutchinson	Garfield Artworks
Janice Frontera	#4
Michelle	#4
Stephanie	#4
Charles Good	Northside area
Angelia Pelusio	St. Catherine
Leslie Mazza	St. Catherine
Kurt Salac	# 19
Peggy Haddad	# 32
Pat Skaugen	# 32
Judy Adams	# 32
Jamie Skaugen	# 32
Fred Peterson	# 38
Chris McKenna	# 38

Mary Ackerman	# 38
Jackie Brumett	# 38
Karen Mitcho	# 38
Mike Hirsh	# 37
Kay Snyder	# 37
Missy Mitchell	# 37
Shelly Andrews	# 37
Debbie Bobran	# 37
Mary Ellen	# 3 Medic Station
Barbara Schultz	# 3 Medic Station
Kathy Lockhard	# 35
Joan Bartlett	# 3 Medic Station
Robert Arms	#8
Cheryl Wedrick	# 39
Dick Schubert	# 39
Janet Koch	# 39
Lisa St. Pierre	# 39
Don Cerra	# 39
Christina	# 39
Fran Cerra	# 39
Gloria Scott	#4
Darlene Figgs	#4
Reggie Cox	#4
Lynn Hollihan	#6
Ms. Ohanlan	# 19
Danyelle	#6
Jacquelyn Tune	#6
Theresa McCray	# 33
Joseph Gaetano	St. Catherine
Donna	# 24
Jonathan Exley	# 34
Heidi Poole	# 17
Angela Devan	# 3 Medic Unit
Jennifer Lando	St. Catherine
Linda	
Brian Coyne	Garfield Artworks
Officer Hanlon	Garfield Artworks
Emelia Crowley	L'ville Boys' & Girls
Thea Young	Shadyside Boys &
Jaris White	Shadyside Boys &
Alice Warfield	Garfield Artworks
Joann Monroe	Garfield Artworks
Bill Urbanic	# 23
Sharon Watkins	# 39
Stephanie	Mifflin School
Bill Peduto	Shadyside Boys &
Juanitta Haynes	Fairywood Health
Dorothy	#5
Missy Brandon	#5
Tawanda	#5
Carla Duncan	#5
Tawanda	#17
Helen Kriebel	#39
Michael Platt	#Garfield Artworks

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. You have acknowledged virtually everybody who was involved in this except for one person and that was you. You know that I speak up when I disagree with you on things, and I have to speak up when I think you have done a fantastic job and you have really did a fantastic job spearheading this, Mr. Ferlo, and I thought just the whole thing made sense, you pulled together the entire community, you raised money and maybe most important you really focused on the public health aspects of this whole issue. My understanding is this all stemmed from you seeing a young man on in-line skates that almost got killed at an intersection, thank goodness he didn't, but I am glad that happened because that spurred you to put together this effort and it was a fantastic effort and I just want to commend you.

The Chair:

Thank you very much, Mr. Cohen. Mr. Cusick. Thank you for your help, Mr. Cusick, by the way because you helped me raise some of the money.

Mr. Cusick:

I just want to thank you for – I think for the most part that you did all the work for us. Yes, we did offer some assistance in providing some coordinators, a very small part of what I think turned out to be a great day for all the kids of the City of Pittsburgh that participated in the helmet day project.

I do think that you do need to put one other thing on the record in that you do not get involved in something like this

like you promised your staff again because you are wearing them thin and you did tell them this would be it and you promised you won't get involved this deep again.

But, I think for the most part Jimmy's staff and himself, they endured six long weeks of fundraising, putting posters out and making sure that people knew that they were there and it did come off very successful and I am very happy and I am very proud to have been a part of the Safe Summer Project, and I thank you for allowing me to participate.

The Chair:

Thank you and thank you for your hard work. I know you got on the phone with me, you were successful in approaching a number of corporations and foundations, I also want to thank you.

And, one of the educational activities that day was for the young children to draw a picture of some sort regarding some safety. So, we have thousands of unbelievable portraits and pictures that these young children drew and we are going to pick from some of them and do a display in the lobby downstairs, which was a great activity.

Councilwoman McDonald.

Ms. McDonald:

Yes, I just want to –

The Chair:

You were out there that day also, I know.

Ms. McDonald:

Well, yes. But, I did visit a couple of the sites in my district. Linda was hard at work early in the morning, Twanda, and there were many people. You are to be commended for this initiative, it did take a lot of work and I could see it before the event happened down at the end of our hallway, where that whole conference room was crammed, I mean the bags and the hustle and bustle. Yes, yes. I got out of there fast. But, you are to be commended. In my neck of the woods it was too successful, we ran out of the helmets so soon. And, another part of the success of what you had planned was actually seeing the kids riding off into the sunset with their helmets on. That means that they learned something. So, I want to thank you for that.

The Chair:

Thank you very much. Councilman O'Connor.

Mr. O'Connor:

Yes. I want to add my congratulations, too. I know it was a lot of hard work and very successful. But, Valerie mentioned something – I know my son, I have to twist his arm and make him wear a helmet and I think by this exposure and going to the fire stations, picking them up, how proud the kids were to get a helmet, I am sure they are going to wear them, and with 11,000 children wearing helmets that otherwise probably would not have, I do not think we will ever know how many accidents you have prevented. So, I congratulate you on a great program.

The Chair:

Thank you very much. Thank your office also, Marlene helped us critically to recruit some volunteers for the Mifflin School site which we were short on.

Mr. Onorato:

Ditto, Mr. President.

The Chair:

Thank you, Mr. Onorato. Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I would just also like to thank your many sponsors –

The Chair:

I know I am going to get all my votes when I have to put an invoice in for 10,000. Mr. Ricciardi, I am sorry.

Mr. Ricciardi:

But, I would also like to state for the record, Mr. President, that I would like to thank all your sponsors and large number of volunteers who helped with this Safety Program, and I would like to really commend and thank you because it was a monumental task, one that was taken on City wide and there is no doubt in my mind that I believe that at least one child because of your actions this summer will be saved from serious injury, and I think that is the overriding issue here. I would like to thank you.

The Chair:

Thank you very much. Councilman Udin. Thank you for your help also, Councilman.

Mr. Udin:

Yes. I also want to extend my congratulation and thanks. The helmets ran out in our district very quickly. The kids were lined up early and their parents came with them and learned with them and that was a very important experience, and not only did they enjoy wearing the helmets, they did not have to be forced to, it became a kind of a fashionable thing to have received a helmet to be riding around the neighborhood and I still see them riding around. So, it was not temporary. I hope that it lasts all summer. And, thank you again very much in all responses.

The Chair:

Thank you very much. And, I especially also want to note the activity of Allegheny General Hospital, who put together one of the six educational activities, was a seven or eight-minute educational video and it was high powered, it was musically effective, it was a good communicating vehicle for the children who observed the video. And, we are actually making about a 20-minute video to put on City cable of the days' activities and the whole helmet initiatives. So, thank you all. And, again, after the summer recess I would like to bring some of the corporations in and present them a Gold Helmet as a way of showing our thanks for their in-kind and cash contributions towards this.

But, we still need some checks made payable to Children's Hospital. So, call my office, 255-2140, if anybody would still like to help out. Thank you very much and thank you for the indulgence on this.

REPORTS OF COMMITTEES

The Chair:

Moving quickly to the Reports of the Committees. Moving to Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2203

Report of the Committee on Finance and Budget for June 21, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2105

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ground Technology in the amount of $7,500.23 in payment of the preparation of construction drawing for a retaining wall to stabilize the landslide which occurred on the slope adjacent to the Cowley-Goettman Playground; charging the same to Code Account EC 94-210."

Which was read.

Also,

Bill No. 2113

A Resolution entitled, "Resolution providing for the issuance of a $772.98 warrant in favor of Duquesne Light Co., for property damage, charging same to Code Account No. 46, Judgments."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2114

A Resolution entitled, "Resolution providing for an extension of the Professional Services Agreement with Sedgwick James for the administration of the City's Workers' Compensation Program for a period of six months beginning July 1, 1995 and ending December 31, 1995, at a cost not to exceed $350,000.00, chargeable to and payable from Code Account 44, Workers' Compensation, Department of Finance."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I just want to make it clear, I am voting no today on Bill 2114, which is the continued contract with Sedgwick James Company regarding Workers' Comp.

Hearing no other discussion, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin

AYES 8 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2140

A Resolution entitled, "Resolution authorizing the transfer of Five Hundred Thousand Dollars from Code Account 1421-4, EMS Trust Fund Transfer, to Emergency Medical Services Trust Fund (EMSTF), for wages for EMS Paramedics, Crew Chiefs and Supervisors."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin

Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2150

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $35,000 to Josephine Jackson c/o Stanley V. Ostrow, Esquire, her attorney, 1500 One PPG Place, Pittsburgh, PA 15222, in full and final settlement of an accident that occurred at the intersection of Liberty Avenue and Sixth Street, allegedly resulting from an unmarked police car striking a pedestrian crossing the street with the right-of-way and within the designated crosswalk, on or about February 21, 1993.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2151

A Resolution entitled, "Resolution providing for an agreement or agreements with various agencies for job development and employment services in connection with the 1995 Neighborhood Employment Program. Total costs shall not exceed $250,000.00."

Which was read.

Also,

Bill No. 2152

A Resolution entitled, "Resolution providing for an agreement or agreements with various agencies for job development and employment services, job related vocational skills training, on-the-job training and related outreach and recruitment costs in connection with the 1995 Pittsburgh Partnership Employment Program. Total costs shall not exceed $50,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

(MR. RICCIARDI ABSTAINING)

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2153

A Resolution entitled, "Resolution providing the authorization to make all legitimate administrative expenditures necessary to implement the Pittsburgh Partnership Employment Program; providing for the periodic transfer of funds to reimburse for program administrative costs incurred, and providing for the periodic transfer of funds to be used for wages and fringe benefits for participants of the Pittsburgh Partnership Employment Program. Total costs shall not exceed $150,00.00."

Which was read.

Also,

Bill No. 2154

A Resolution entitled, "Resolution providing for an agreement or agreements with various agencies for the implementation of the 1995 Pittsburgh/summer Youth Employment Program; and providing for periodic transfer of funds to reimburse agencies for legitimate expenditures incurred. total costs shall not exceed $85,000.00."

Which was read.

Also,

Bill No. 2155

A Resolution entitled, "Resolution providing for authorization to make all legitimate expenditures for wages and fringe benefits for supervisor/participant, workers compensation, unemployment compensation, participant physicals, transportation, copier, supplies, related outreach and recruitment costs, and administrative expenditures necessary to implement the 1995 Pittsburgh Partnership/Summer Youth Employment Program; providing for the periodic transfer of funds to reimburse for expenditures and providing for the periodic payment of costs incurred in the 1995 Pittsburgh Partnership/Summer Youth Employment Program thereof. Total costs shall not exceed $415,000.00."

Which was read.

Also,

Bill No. 2156

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania for a grant or grants in connection with the Joint Jobs Initiative Program Single Point of Contact Project; providing for the execution of grant contracts and for the filing of requisitions and other data; approving the Joint Jobs Initiative Program Single Point of Contact Project Plan; providing for required assurances; providing for execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Joint Jobs Initiative Program projects; and providing for the deposit of funds into a bank account. Total costs shall not exceed $2,170,311.00."

Which was read.

Also,

Bill No. 2157

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data; providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by the Job Training Partnership Act, as amended; providing for required assurances; providing for execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act Projects; and providing for the deposit of funds into a bank account. Total costs shall not exceed $1,136,334.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Onorato.

Mr. Onorato:

On all the bills relating to the Summer Job Program and there are several of them here, I would like my comments brought forward from last Wednesday.

(REMARKS - SEE ADDENDUM)

Mr. Onorato:

And, I would like to reiterate that through that discussion and we discovered that out of 1000 positions only 200 of those positions are assigned to Public Works' facilities. I still believe strongly that a majority, if not all of them, could be easily put in the Public Works, that would help clean up our City, be it adopted a pair

of steps or a sidewalk or a railing that overlooks the City where the grass is knee high, especially in this time of layoff and early retirements, I think these young people could do a lot to improve just the aesthetics of this City by keeping up on the weeds and the grass, and I would hope, for the record, that next year, if there are a thousand positions or more that a vast majority of those would at least be put in to Public Works. I do not think it is a degrading job for these individuals, I think everyone has had labor jobs before they moved on to their career. Actually I think it actually teaches them the role of a laborer job and that is getting up on time, knowing what it is to take orders, completing a task, getting a pay check and all the other responsibilities that go with having your first job. I would hope that in the future we do see movement to Public Works, I think it would benefit both the participant and definitely the City.

The Chair:

Thank you, Councilman. Other discussion? Councilman Ricciardi, and then Mr. O'Connor.

Mr. Ricciardi:

Thank you. As the Chair of Public Works, I welcome that recommendation. I also want to say, a lot of time has been spent and focused on the Summer Youth Program, which is a very important program, one that is much needed by young people in the City of Pittsburgh. But, I do not want to lose fact, my colleagues, which was brought out, that other Federal monies have been cut back or might be eliminated for dislocated workers, for the entire training of unskilled workers here in the City of Pittsburgh. So, obviously we focus in on the summer program because we are in the summer months, but really this needs to be addressed on these other dollars that are being cut back and we have to see where we can make up those dollars or how we can lobby Washington to make sure those dollars continue to flow.

The Chair:

Thank you, Councilman. Mr. O'Connor.

Mr. O'Connor:

I just wanted my comments brought forward on Bills 2151 and 52, 3 and 4 -- 54 and 51.

(REMARKS - SEE ADDENDUM)

Mr. O'Connor:

Again, without -- and we spent many hours last week talking about this and I think -- I know you were not here, but there is supposedly a joint effort to create more jobs, and I hope the Mayor's task force organization follows through with some of things we -- we all did talk about it, I think we all agreed. Mr. Udin I feel had some very good comments, I hope he gets involved with it, to keep not only summer jobs but year around jobs. And, as Mr. Onorato said, whether it be labor or whatever, it is keeping kids, young people busy and that is the best tool they can get, besides a good education.

The Chair:

Thank you, Councilman. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I also would like my comments brought forward.

(REMARKS - SEE ADDENDUM)

Mr. Cohen:

It was a long discussion, I won't rehash that discussion here. But, the problem here is that the Federal Government has cut the legs out of this program, the summer program, as much as 80 percent, the other programs, like the one Mr. Ricciardi was referring to, 20 to 40 percent. That is the problem and what we have got to do is pull together to be able to combat this in the future, because, remember, for the next summer, 1996, the Congress has zeroed out all of these programs. So, we are suffering a major cut this year, we are going to suffer a total hundred percent cut next year if we do not get together and come up with a strategy to fight these folks because these folks are cutting these programs so that they can provide tax cuts for people making over $200,000.00 a year, that is what is going on, and let's pull together to fight this. We have done I think a pretty good job this year, given the time constraints but I think we could do a much better job for next year.

The Chair:

Thank you, Councilman. Councilman Udin.

Mr. Udin:

Yes. I also would like to have my comments brought forward from the Standing Committees Meeting --

(REMARKS - SEE ADDENDUM)

Mr. Udin:

-- and hope that the approach -- although I appreciate the work that has been done to capture whatever Federal funds are available for the Summer Job Program, but what is truly important is that we start to develop a comprehensive picture of what the total employment need is and how we in Pittsburgh are going to respond to that need and not just focusing on the summer or not just focusing on youth but develop a comprehensive employment need picture and respond to it. I certainly hope that will be forthcoming from the Administration and will have the support of my colleagues here on Council.

The Chair:

Thank you very much. I was not here for the discussion, but if there was discussion regarding the role of the Allegheny County Youth Policy Council, which plays a role, in this respect, I would hope that the Administration would ask one of my colleagues -- certainly Councilman Udin has spoken about this whole issue. I think we need representation on that coordinating body regarding the role of the school systems, the Private Industry Council, the JTPA Program, the Summer Youth, really the whole approach that you have spoken about and I think we need to be represented on that body from Council.

Any other discussion? Hearing no other discussion, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their

names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2204

Report of the Committee on Public Works, Water and Environmental Services for June 21, 1995, transmitting sundry resolutions to Council.
Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2115

A Resolution entitled, "Resolution providing for a contract or contracts, or use of existing contracts for furnishing, installing, removing and relocating certain electrical equipment necessary for the Street Lighting Department within the City of Pittsburgh, Department of Public Works, at a cost not to exceed Twenty-Five Thousand ($25,000.00) Dollars, chargeable to and payable from Code Account 3-01-10-0005-95, Street Lighting throughout the City."

Which was read.

Also,

Bill No. 2116

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts for furnishing, installing, removing and relocating certain electrical equipment necessary for the Street Lighting Department within the City of Pittsburgh, Department of Public Works, at a cost not to exceed Twenty-Five Thousand ($25,000.00) Dollars, chargeable to and payable from Code Account 3-01-10-0005-95, Street Lighting throughout the City."

Which was read.

Also,

Bill No. 2117

A Resolution entitled, "Resolution providing for a contract or contracts, or use of existing contracts for furnishing, installing, removing and relocating certain electrical equipment necessary for the Street Lighting Department within the City of Pittsburgh, Department of Public Works, at a cost not to exceed Ten Thousand ($10,000.00) Dollars, chargeable to and payable from Code Account 3-01-10-0002-95, Miscellaneous Services."

Which was read.

Also,

Bill No. 2118

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts, for the rental and repair of equipment in connection with the City of Pittsburgh's Capital Construction Division, at a cost not to exceed Four Hundred Fifty Thousand ($450,000.00) Dollars, chargeable to and payable from Code Account 3-01-35-0001-95, Capital Construction Division."

Which was read.

Also,

Bill No. 2119

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for the purchase of litter receptacles, at a cost not to exceed Fifty Thousand ($50,000.00) Dollars, chargeable to and payable from Code Account 3-01-35-0074-95, Trash Receptacle Program."

Which was read.

Also,

Bill No. 2120

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for a Pavement Management System in the City of Pittsburgh, at a cost not to exceed Forty-Five Thousand ($45,000.00) dollars, chargeable to and payable from Code Account 3-01-01-4666-95, Pavement Management System. A Pavement Management System is an inventory of all existing streets, by type (asphalt, concrete, etc.) and road condition."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I am voting no on Bill 2120 regarding Pavement Management System. We spent several hundred thousand dollars under the previous Administration, the previous Mayor regarding this. I am a little bit perplexed as to why we continue to have an expenditure for something that I was told originally we paid for already. And, I apologize, I was not here last week, but I will reserve a right and vote no on that appropriation today.

Any other discussion? Councilman Ricciardi.

Mr. Ricciardi:

Just on that note, Mr. President, I am not trying to win your vote over, however, the Director stated that was to maintain the system, hopefully this year, and next year our people will be properly trained, they will be able to do that next year without this expense. I just thought I would forward you that info.

The Chair:

Well, given what is going on in Public Works these days, I am not sure that we have a Director in Public Works. But, but having said that, I will still vote no.

Mr. Ricciardi:

Well, Mr. President, with all due respect, I take issue with that. As a matter of fact, I was thinking about that at the last Committee Session when the Director of Public Works was able to entertain and answer questions from the smallest detail of an encroachment to a policy issue. So, unless I misunderstood your statement, I think we have a very fine Director of Public Works, one that I fully stand behind and one that I think is doing a marvelous job, and the reason I know he is doing a marvelous job is that the criticism and the constituent complaints in my office have drastically decreased, which means, as far as I am concerned, more work is getting done, thank you for Ralph Kraszewski, the leadership of Mr. Booker, Mr. Barley and also in my field, John Terlecki.

The Chair:

Well, maybe we will have to rotate the Chair of that Committee to get some work done in the other districts.

Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin

AYES 8 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2121

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts for concrete pavement maintenance, rehabilitation and replacement throughout the City of Pittsburgh and other work incidental thereto, at a cost not to exceed Two Hundred Thirty Thousand ($230,000.00) Dollars, chargeable to and payable from Code Account Brick Street Restoration Program, 3-01-01-0030-95."

Which was read.

Also,

Bill No. 2122

A Resolution entitled, "Resolution granting unto Historic St. Mary's, Inc., 614 Pressley Street, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, steps and landing on a portion of the right-of-way, on Lockhart Street and Nash Street in the 23rd Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2123

A Resolution entitled, "Resolution vacating a portion of Unnamed Way in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Hertzberg.

Mr. Hertzberg:

I would ask for my comments to be brought forward on Bill No. 2115.

(REMARKS - SEE ADDENDUM)

The Chair:

Thank you. Any other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2205

Report of the Committee on Planning, Zoning and Land Use for June 21, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1964

A Resolution entitled, "Resolution renewing Resolution No. 236, approved by City Council on March 10, 1992 and effective on June 6, 1994, authorizing the Highland Limited Partnership to convert an existing 13-story structure located at 121 South Highland Avenue in to 120 dwelling units for the elderly, with the first floor to remain commercial and approximately 4,000 sq. ft. of open space as a rooftop deck, and with a total of 30 parking spaces located at the Highland Ellsworth parking lot and/or the Stevenson Place parking lot, on property zoned "C4" Commercial District, 8th Ward. (Council District No. 9"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilwoman McDonald.

Ms. McDonald:

I would just like to have my comments brought forward on Bill No. 1964.

(REMARKS - SEE ADDENDUM)

The Chair:

Thank you. Other comments? Councilman Cohen.

Mr. Cohen:

The same for me, please, on the same bill.

(REMARKS - SEE ADDENDUM)

The Chair:

Thank you. Hearing no other discussion, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2206

Report of the Committee on Housing, Economic Development and Promotion for June 21, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2108

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the Central Relocation Agency, at a cost not to exceed $480,000."

Which was read.

Also,

Bill No. 2109

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the Central Relocation Agency, at a cost not to exceed $480,000."

Which was read.

Also,

Bill No. 2110

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the Family Support Centers, at a cost not to exceed $334,000."

Which was read.

Also,

Bill No. 2111

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the Development Subsidy, at a cost not to exceed $200,000."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2207

Report of the Committee on Parks, Recreation and Youth Policy for June 21, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2149

A Resolution entitled, "Resolution authorizing the Director of the Department of Parks and Recreation of the City of Pittsburgh to form a Selection Committee for the purpose of identifying Members of the City Youth Amateur Ice Hockey Team specified in Paragraph 3.03C of the Lease and Operating Agreement with Neville Ice Arena, Inc.,—**(AS AMENDED) (SPONSORED BY MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

First, I am going to ask that my comments be brought forward.

(REMARKS - SEE ADDENDUM)

Mr. Hertzberg:

And then I am going to make a motion to amend this bill by substitution

and we should have all been furnished with a copy of the substituted bill.

The Chair:

You have an amendment on the floor that you are offering?

Mr. Hertzberg:

Yes, I am making a motion.

MR. RICCIARDI seconded the motion.

The Chair:

There is a motion to amend the Bill 2149. there is a second.

WHICH MOTION PREVAILED.

The Chair:

Discussion on the amendment. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. The substitution here is in light of some comments from the Department of Parks and Recreation on the original legislation. They had requested that this not be a commission appointed by the Mayor but rather that it be a Selection Commission appointed by the Director of Parks and Recreation, and that is what I have done in this substituted bill. We have also included as a member of the Selection Committee an officer of the Central Pittsburgh Amateur Hockey Association, City Council still would approve the three members of the Selection Committee.

Also note that there is a deadline of July the 15th, 1995 for this Selection Committee to submit the names of the 17 individuals that it chooses, and these are 17 individuals that will have the benefit of participating in an Ice Hockey Team at no expense, they will also get equipment, they will get coaching, they will get everything they need to play Ice Hockey at Neville Ice Arena, complements of Neville Ice Arena, Inc., and this stems back to a term that was negotiated by Councilmember Gene Ricciardi and some others as part of this Lease Operating Agreement.

But, what I think all Members of Council can do – I am assuming we will be voting yes on this, it did receive unanimous support last week – assuming that happens, then I think all Members of Council should submit to the Director of Parks and Recreation any nominees to both the Selection Committee and any individuals that you feel would be appropriate to be members of the team, keeping in mind the qualifications. The Selection Committee Members need to have knowledge and experience with Amateur Youth Ice Hockey, that is the primary requirement there. And, the team members need to be between the ages of six and nine, as of July the 1st, they need to be financially unable to participate in a team that would charge them the regular fees, and to have limited or no experience playing Ice Hockey.

So, that is it, and you need to move quickly. There is a reason we need to move quickly, that is, under a Lease and Operating Agreement, by July 1st we will have received an annual statement from Neville Ice Arena, Inc., and then by August the 1st we are supposed to get

together with them and work all the details out of all the different programming, including this. So, that is why we have that July 15 deadline, and so everyone will need to go out there and find some people to participate and there are plenty of them out there.

The Chair:

Could you possibly give your number, if there are folks in the audience who would like to have more information and want to volunteer.

Mr. Hertzberg:

My telephone number is 255-8963.

The Chair:

Thank you very much. Councilman Ricciardi.

Mr. Ricciardi:

Yes. I just wanted to thank Councilman Hertzberg for drafting this legislation. Mr. Ferlo, as you know, you were very instrumental in helping the Ice Skating Rink open back up. This was a condition of the lease. Unfortunately, the developer, Mr. Paul Shuttleworth, has been asking the City for names and it just fell through the cracks and it is something that was forgotten, and I think Councilman Hertzberg, through his diligence, and also I am sure having a background of law, was able to review the lease and say, this condition was never met. So, let's get the names together because at this point no responsibility or criticism can be pointed towards the developer if we have not provided them the names. And, I think Councilman Hertzberg would agree with that. Thank you.

The Chair:

Thank you very much. And, I do want to take the opportunity to thank you, Mr. Ricciardi, because if it was not for your leadership and involvement many years ago, we would not have the skating rink in the wonderful condition that it is today, being privately operated and no longer a burden on the City, it has actually been run more efficiently and then properly than I think in the past. I want to thank you for your activity. We would not be here today talking about how to get more kids involved and the opportunities there.

Any other discussion on the bill? Let's vote on the amendment first. On the amendment as offered by Mr. Hertzberg. Roll call vote on the amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)
AYES 8	NOES none

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2208

Report of the Committee on Public Safety Services for June 21, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2141

A Resolution entitled, "Resolution providing for a contract or contracts; or the use of existing contract or contracts to purchase fire hose for the Bureau of Fire. Total cost shall not exceed $40,000, chargeable to and payable from the Department of Public Safety, Bureau of Fire, Code Account 1464, Equipment." Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 2209

Report of the Committee on Engineering and Construction for June 21, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2106

A Resolution entitled, "Resolution providing for a contract or contracts, or use of existing contracts for the

reconstruction of Walbridge Street from South Main Street to Herschel Street, including necessary work on private property; at a cost not to exceed $550,000 from Code Account CDEC 95-500, $1,050,000.00 from Code Account EC 95-500, and $100,000.00 from Code Account EC 94-500, for an aggregate amount of $1,700,000.00."

Which was read.

Also,

Bill No. 2107

A Resolution entitled, "Resolution further amending Resolution #973, effective January 1, 1995, as amended, entitled, 'Adopting and Approving the 1995 Capital Budget and the 1995 Capital Improvement Program.' by increasing EC 95-500 (Neighborhood Street Improvements) by $550,000.00 from $500,000.00 to $1,050,000.00 and by decreasing EC 95-871 (Courts Building Phase 3) by $550,000.00 from $800,000.00 to $250,000.00."

Which was read.

Also,

Bill No. 2142

A Resolution entitled, "Resolution amending Resolution #99, effective March 14, 1995, entitled, 'Providing for an agreement or agreements, or use of existing agreements and/or a contract or contracts, or use of existing contracts, and providing for the purchase of equipment and materials in connection with the Rehabilitation of Existing Play Areas,' by increasing the total project allocation by $507,453.04 from $1,000,000.00 to $1,507,453.04."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I would like to have my comments brought forward relative to the Walbridge Street bills.

(REMARKS - SEE ADDENDUM)

Mr. Hertzberg:

And, I am sure you can remember Walbridge Street, or at least your car might, Mr. President.

The Chair:

Absolutely.

Mr. Hertzberg:

And, I would extend my thanks to the Mayor, to his Budget Director, Dr. Rowan Miranda, Fred Reginella and everyone else that has helped us finally get this thing going.

The Chair:

Thank you very much.

Any other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the

bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, Councilman Onorato.

Mr. Onorato:

Mr. President, I should have brought this up under Unfinished Business, but I just want to state that we finally clarified the meeting with the School Board, and they will be here tomorrow. I talked with the President of the School Board, Ms. Healey, and several of the individual Members and we worked out an agenda, so that everyone knows that we are talking about and what the parameters were. There was a post agenda sent around to every office last week. But, it is tomorrow at 4 o'clock in these Chambers. It will be for an hour and a half because the School Board has another meeting at 6:00. And so, we are going to keep this an informal discussion between this body and the School Board and we are not going to open up for public input, that would follow, if we should want one, with a public hearing. Tomorrow is just for the elected officials to discuss the issue.

The Chair:

We should clarify that it is a public meeting, however.

Mr. Onorato:

Public meeting, and I know some people are coming down to watch and observe, but I do not want to have them feel that they are being shut out of the process, they are not. Tomorrow is a post agenda, a public hearing could follow, and I am sure and I know my colleagues will be willing to listen to anyone on either side of the issue for as long as it takes and there is plenty time to do that.

The Chair:

Thank you very much, and I appreciate your help in coordinating this meeting. Councilman Udin, do you have a comment on this.

Mr. Udin:

Yes. Mr. President will recall when this subject first came up I inquired as to the legal boundaries of this bodies' jurisdiction in this matter, and I would appreciate it if we had some ruling at the time of this public meeting.

The Chair:

We have not yet received anything. We will re-issue our request to the Solicitor regarding Councilman Udin's request regarding any legal involvement that we may or may not have regarding the School Board operations, the school facility operations.

Any other discussion? Any other matter under Motions and Resolutions? Who has their hand up now. We are through on Mr. Onorato's point on the School post agenda tomorrow. We are under Motions and Resolutions, if there are no other points to be brought up under Motions and Resolutions, I am going to ask for a motion to adjourn. Mr. Cusick.

Mr. Cusick:

I would like to bring up a topic, if I may, Mr. President, in regards to the storm this week in the Overbrook and basically the overall South Hills community. First of all, I think I would be remiss if I did not thank our Fire Department, basically the Public Safety Department in general, the Fire Department. They pumped out at least 25 homes of water that had entered into the first floor, the basement areas and provided other assistance to the neighboring residents. EMS, that made two rescues during the flood time. BBI, that is going home to home to evaluate and to assess the property damage. Emergency Management, that has actually filed an application with FEMA and looking for some type of Federal support, whether it be the small business disaster loans or some other type of grants that may be available to these people for some of the losses that they have taken, some of the damage that their properties have taken. Our Public Works Department, that has been out there around the clock since this occurred on Saturday night and really has done an extraordinary job and have basically cleaned up most of – whether it is debris being on the road and that. I think that they should just be overwhelmingly thanked because not only that, they have gone into some of our Seniors' homes and actually cleaned out some of the sewage that was in their basements and that.

I really believe that this has become a health issue for a lot of the residents, especially our Seniors because they are unable to get to their cellars and do a lot of the work and do a lot of the cleaning up that needs to be done. We have a volunteer hot line, or line set up at my office and I am asking people if they want to help some of the Seniors in that area that have taken losses, to call my office at 255-2131. About 25 people have already called. And, I just want to thank those people and the people of the Overbrook area, Beechview, Brookline and Carrick areas for being patient with the Public Works Department.

I think that we also should be thanking PennDot for taking measures, quick measures to correct the problem. We lost about a four foot section of the Route 88 roadway, basically the guardrail was just dangling there after the waters had come down. From my understanding we had about a 20 foot –yesterday there

was about four inches of water in the creek, that evening we had about 20 feet of water come down that creek, and it was very scary for a lot of the residents. One lady described to me, as she opened her door, her and her children were thrown because of the pressure of the water. That is very scary. To me this is a disaster for one of our communities, it may not be for the entire City or to the entire State but I think we need the Federal Government to step in and make sure that something is going to be done.

For the last 40 years Overbrook has been promised and promised and promised that they would correct the problem with the Saw Mill Run Creek, I think it is time that we as local officials, that our Federal officials, our State officials, that we do something to correct these problems.

I also sit on the ALCOSAN Board and I know that we are taking some measure to correct the problems there. We are going to be spending 31 million dollars in the Saw Mill Creek Run area. But, that is not the total answer. We need more help but we need more help from the Corps of Engineers. The Federal Government was asking – or the Army Corps of Engineers was removing itself from local flood problems. From my understanding, it has now been brought back to the House and it is now being given Senate consideration.

I think that for the most part, and I would ask at some point that my colleagues would sign on to a letter that we send our Senator and asking him to support the funding for local flooding. I think that this just proves how important that is.

The people on Ansonia Way, it was the loss of property and just not even being able to allow their children to go out and play in the yard because of the sewage in the yard after the storm, is just very devastating and very frightening for a lot of people. The people of Underwood Street, I think that if you took a ride up there and you just see the number of items that either in their back yard drying out and they are trying to salvage, or the stuff that they are waiting for the Public Works Department to get around to picking up, it just shows you the type of losses that were incurred.

But, I think it should be noted that our Public Safety Department did an outstanding in preventing someone from either getting hurt or killed.

I would like to call on the Governor and ask for his help, and hopefully that we have some State funds that are available to help these people. I think that we should not wait until we lose a life before we call this a disaster. Just go and examine the area, go walk along and look at the creek and see the branches that came up, look at the billboard on Route 88 that was bent from the water and the pressure of the water, I think that is enough. I am going to be out there and I know a lot of the residents are going to be out there today. We are going to try to put some footage together and we are going to send that off to our Governor and our representatives in Washington. I think this is very important that the City get involved, and enough is enough, 40 years is long enough. We have one lady for the last 52 years has been living in the City of Pittsburgh in the community of Overbrook and has been promised and promised and promised and for this to happen and this is

probably one of the worse she has ever seen, is only more frustrating, not only to her, I think to me and it should be to this Council and to this Administration and we should not be tolerant of this ignoring of services to these residents.

So, I would only ask you at some point and in the very near future that you would sign on with me and support me in asking the Federal Government to step in.

I did mention other communities, and in Shadycrest 30 homes had at least 18 to 36 inches of sludge piled up in their basements that came up. A lot of people had these pressure caps on their sewer lines and they were totally blown off from the amount of pressure. Up in Brookline, on Woodward and other streets in the Brookline area, it was just totally devastating. A lot of it was out of our control and I think the people understand that. I want to thank those people for their patients, they also incurred some losses. And again, the Public Works Department was there to make sure that they provided whatever services that they could. Director Kraszewski, and I talked with him last night, they will be out there today and he had requested some equipment to clear the creek, and they told him Wednesday that equipment would be available. He did not take that answer and told them that he needed that today and that equipment will be out there and they will be cleaning that creek.

We will be organizing some cleanup along the creek. I am asking people please to still call my office because it is a long stretch of creek, there is a lot of debris in the creek and we need to clear that out before the next storm. I just want to thank you all and thank the residents of the City for their help in trying to restore and clear up some of the debris in the area.

The Chair:

And the volunteer number, once again.

Mr. Cusick:

255-2131.

The Chair:

Thank you very much, Councilman. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I agree wholeheartedly with Councilman Cusick and want to commend him for his work out there.

I got a briefing from Deputy Mayor Sirabella, and I do believe that the Public Safety organizations need to be commended, they really did a heck of a job. As Councilman Cusick said, the Fire Department was out there cleaning up basements, our paramedics did two river rescues, the Emergency Management Response Team has done a terrific job, and I know Councilman Cusick is working with them to get FEMA and PEMA money, meaning the Pennsylvania Emergency Management and the Federal Emergency Management money. And, the Bureau of Building Inspection, I just received a list of damage assessments house by house that the Bureau of Building Inspection has compiled. That is a lot of labor but obviously it is necessary

and important to those people so that we can try to get them some kind of relief.

As far as the second part, which is the situation out there in finding a long term resolution, I also have the same frustration that Councilman Cusick just expressed, and that is that, especially on the Federal side, it has been at least I guess 40 years in the making, in terms of a plan being put together, to finally widen Saw Mill Run and be able to prevent these kinds of floodings in the future, and the Federal Government just pulled 13 million dollars from this project. It was a 40 year project in the making, two million dollars had already been put in over the years for design and for the kind of early studies and all of a sudden just a few months ago they pull 13 million dollars which devastates, kills the project. So, hopefully this will be a chance for us to re-double our efforts to try to get that money because it is absolutely necessary. I have written letters to President Clinton and Senator Specter and Santorum and I look forward to joining with Councilman Cusick in a letter or a resolution from the entire Council to be able to finally solve that problem out there.

The Chair:

Thank you very much. Other comments on this issue? Councilman Hertzberg.

Mr. Hertzberg:

Yes, on this issue, and then on another issue, whenever it is appropriate.

The Chair:

Please.

Mr. Hertzberg:

Well, on this particular issue, my sympathies go out to all the victims of this recent flooding.

On the topic of the Army Corps of Engineers in Washington, when this proposal to change the local funding for local flood projects first was discussed and to de-fund it, which was a couple months ago, and we held Press Conference down in the West End because the West End Valley was going to be seriously impacted by it, and it was attended by a number of local government officials, including Mayor Murphy, and at that time discussion of sending letters to our representatives in Washington occurred, a number of letters were sent. I sent letters, a lot of community members, a lot of business leaders sent letters. I received word about a week ago through Councilman Coyne's Office that the Chairman of the House Committee on that topic had now changed his position on it. So, it is not a done deal at all that this local project is de-funded; in fact, it is starting to look better, although it is not a done deal.

The Chair:

Thank you very much. Any other on this issue? Thank you . Mr. Hertzberg, you had another point.

Mr. Hertzberg:

Yes. I wanted to just briefly discuss a weekend occurrence in Council District 2, something that was known as "Tunnel Vision", that received a lot of commentary through the news media.

What happened was there was a closing down of the Corliss Street Tunnel and an event held there, which was a type of a dancing event for younger people. It ended up attracting primarily youth from outside of the Pittsburgh area to the Corliss Street Tunnel. The event ended up being extremely loud, it kept the neighbors up all night. And, it turned out that the Pittsburgh Special Events Committee and the Mayor's Office had actually given a permit for this event. And, now I know the Mayor's Office realizes that a grave mistake was made and, in fact, public apologies are being sent out to the residents of the community by the Mayor. And, I think there was a little bit of a smoke screen put up by the producer that caused this mistake, in that it was billed as a filming event and really the filming had absolutely nothing to do with the crux of the event, which was a money-making event for the producers, who charged somewhere between $15.00 and $20.00 a person to the 1500 to 2,000 people that were in the tunnel during the late night and early morning hours. But, I think if the Special Events Committee had carefully scrutinized the event permit application and done a little follow-up work, they would have found out the real nature of the event and if they had, the permit would not have been given, but it was given.

And, then the other mistake that was made is in what happened later when the residents began calling our Police Department, repeatedly all night, "I can't sleep, there's this loud noise coming out of the tunnel; what's going on?" And, the response that they were given was that the City had given these people a permit so nothing could be done. That was not accurate; we do have an ordinance that prohibits unnecessary noise and sound amplifying devices, and it prohibits them even when there is a permit, that is where the mistake was made. If it is after 11 o'clock, even if there is a permit, if the sound exceeds that prohibited in this ordinance, then it can be shut off, with or without a permit, and I think our police made a mistake in not getting the device, that I know they have, because the problems, the previous problems in this type of issue on sound and loud music, were also in Council District 2, and we have a device that can measure the sound, and I am hoping that in the future, that for the benefit of all the residents, our police will familiarize themselves with this particular bill and utilize that device to measure the sound when it is too loud, so that our residents can get peace and quiet after 11:00 at night.

The Chair:

Thank you, and I hope someone is out there collecting our Amusement Tax, five percent on the $15.00 concert fee.

Councilman Onorato.

Mr. Onorato:

I will accept the explanation this time that there was a mistake made and I appreciate that. I would also ask that maybe we send an invoice to this producer who is doing it for a money-making event, for any cost of cleanup that our Public Works had to do, or any cost of additional police time. I am sure we can be creative in an invoice on what we can charge them. I think it is frustrating that we have a community a few miles up the road, Mt. Lebanon, who won't permit a dancing inside of a dance hall and yet we give dancing in a tunnel in the City of

Pittsburgh. I mean this goes to the quality of life in the City of Pittsburgh, and let's take this as a mistake. But, I hope that the safeguards were put in place that no public access ever gets permitted out for any commercial venture unless it goes through the proper channels, if it is a film, through the Film Industry and the Film Office, that we help fund to keep operating. But, I just hope that this was just a one-time situation and that it does not happen again.

The Chair:

And, I think procedurally and on a practical matter, I wish the palace guard in the Mayor's Office would once in a while do a very simple thing and that is called pick up the phone and dial the respective Councilmember from that district, because I got to believe, knowing Councilman Hertzberg as well as I do, that had he been called and had this whole issue reviewed with him, he would have asked a lot of obvious questions and I think we would not have had this problem in the first place. And, I can tell you right now, if something goes on in my district and I do not know about it, there is going to be hell to pay.

So, whoever the Mayor's palace guard is over there issuing these permits, I hope they are checking and hearing my words right now that they better pick up the phone, at least out of courtesy, if not, just out of practical reality, call the district Councilmember, we are more involved, quite frankly, than anybody in that Mayor's Office in our neighborhoods, and it is about time that they have at least the common courtesy and respect to call us on some of these things so we can be a part of the decision-making process. I am getting sick and tired of it.

Any other discussion? Councilwoman McDonald. Another issue.

Ms. McDonald:

A new issue. Thank you.

I was very disturbed with the response that was given by the media and at my colleague, Councilman Ricciardi, about the Juneteenth celebration that was held in South Stadium over the weekend of June 17th and 18th. And, I had received a copy of the letter from Councilman Ricciardi after, of course, reading the sensationalism that was printed in the media about this event. I was one of the Honorary Chairpersons of this event, as well as Mr. George Miles, who is President and CEO of WQED. This was also co-sponsored by the Urban League of Pittsburgh. It was not an event that was -- poor Alan over here -- one of his little "Let's have a party kind of thing". You all had all voted for the resolution for the Juneteenth so that it would describe what the Juneteenth celebration was all about and history.

And, where the disturbance came is how this whole event was portrayed in terms of negativity. And, we have heard from the NAACP, we have heard from a number of people; well, it is time to hear from me.

First of all, I do not want to come here with a bunch of rhetoric, I am coming with the facts. These are the facts: That there was a permit taken out with the School Board in October of 1994; there was a permit taken out with the City of Pittsburgh, all parties had signed off: Traffic, Zone 3, any -- Public Works; all parties had signed off on this permit. So

that if there were any problems this is an internal problem and not something that the sponsor is to be blamed for. In other words, if we made a mistake, then we have to clean it up, just like this permit problem in the Corliss Tunnels; there is no difference. But, I do not like to throw stones at a sponsor because of being uninformed of really what happened.

The permits -- I did receive also a copy of the letter that was sent from Mr. Richard Fellers to Ms. Maggie Schmidt, who is a School Board Member in that area, and I was appalled. I swear if I was on School Board, I would have somebody's head. Because the title was inflammatory in the "Re:" part, the chaos, the -- I just believe that people need to respond responsibly; we are supposed to be professionals. So, I will be talking with the Superintendent about his response, as well as the whole notion that he has the ultimate authority to stop any future permits for WAMO in any part of the City of Pittsburgh. I beg Mr. Fellers' pardon, but this is something that the Superintendent should have the ultimate so say, as in discussion with the Board, and the Board will have discussion about that, believe me.

What I am disturbed about. In Mr. Ricciardi's letter, when I -- first of all, I did not receive this personally from Mr. Ricciardi, I got this from WAMO, and they in turn did not receive it directly; they received it through a business person on the South Side who had received it and was appalled.

I would like to -- I am not going to read the whole letter, but I am going to go through bit by bit and say where I think we do have a problem here on this Council, as far as how we respond to our communities.

First of all, I do not blame you for being outraged, Councilman Ricciardi; fine. I was very disappointed. Any time there is an incident, I am disappointed as well. But, that is where it stops, and then we have to rise above things and find out, well, what process are we going to take? Are we going to throw stones; are we going to be insulting, or have comments that wreak of racial connotation?

First of all, it says, that I am sure you personally witnessed or heard about the unruly behavior of attendees, it was a disgrace. The people that caused a problem did not attend, they were waiting in line. Your comments -- you first mention about the Pittsburgh School District, having given a permit, and that Mr. Fellers said, "This will never happen again." And, then you have in the same paragraph, "As a matter of fact, the last 1995 permit with the Board of Education happens to be for BET, Black Entertainment Television, scheduled for Saturday, June 24th," with a comment that this -- the identical event was held last year at South Stadium without incident.

I do not understand the relevancy between the BET weekend and the Juneteenth, except there is one similarity, they are both sponsored -- basically African-American sponsored events. I do not understand why they are in the same paragraph.

"No neighborhood in the City of Pittsburgh, including the South Side, should be subjected to the insensitivity and poor planning by WAMO." We can debate poor planning, that is for you to

debate with WAMO. I am appalled you have not called them. You have avoided calling them. You have not returned phone calls. You have not touched bases with me. You have not touched bases with Mr. Miles. You have not touched bases with Ms. Esther Bush. You have not touched bases with anybody that tends to be African-American on this issue.

But, as far as insensitivity, I – the question I have is, what sensitivity; what exactly do you mean; how should they have been sensitive? What does that mean. My estimation is that area is no different than any other area of the City. Sensitivity means just common courtesy. But, I do not understand what that word means.

You said that the Zone 3 Commander was not even contacted about the event. I do not believe it. Because, again, of all people, Zone 3 was contacted, they were there, and I have the permit, a copy of the permit, which says, everybody signed off. If there was a lack of communication, that is an internal problem and not for WAMO, a black radio station, to be blamed for.

And, what – again, let me see: Security not lacking. Yes, there was a lot of security. I want to say, there were no problems inside that stadium. The problems occurred outside the stadium.

As far as the police report. Mr. Ricciardi, I do not know if you got a copy but I think that you should have gotten a copy of the actual police report, which specifically states what happened. First and foremost, the one report that I got from two officers in Zone 3 really dictates the need for some sensitivity training in our police force, as far – I cannot believe some of the words, that these people were causing problems "of every nature". Excuse me, I did not think there was a Sodom and Gomorrah going on outside the stadium, "of every nature", where was the fire and brimstone? These are some of the comments.

Other comments: An incredible fight. I mean these are police officers. It is like "Just the facts, ma'am." That is all I want to see on a police report. I do not need editorializing, I leave that to the news print. But, we do not need editorializing in a police report. They were rioters – they were arrested as rioters, and then they said they caused the riot. I have never known – I thought – what are we putting the cart before the horse? Are you a rioter just because there is a problem and then you start the riot?

Again, I think that this really wreaks of the need that we need to overhaul our sensitivity training for our officers. I know this; this states it all.

But, I will give a commendation to the SWAT Officers, who gave a very neutral report, "Just the facts, ma'am," and I appreciate their report.

And, last – well, not lastly. The youth that were arrested were from District 3, they were from the area. They were all from District 3, and they were 14 and 15 year olds. The fourth person happen to be a grown man who was from Pleasant Hills, the South End.

So, I am just curious, the last sentence, which is more than infuriating: "If visitors do not know how to act responsibly, they should not be welcomed back." When I read that, my eyes rolled

back as well as anybody else who I showed this letter to, and they said, I can't believe he wrote that, I can't believe this happened. Since when am I a visitor to any part of this City? Since when is any person, African-American or otherwise that visit any part of the City of Pittsburgh a visitor? Any City resident is welcomed anywhere in the City of Pittsburgh, including the South Side, and if that means there are 7,000 African-Americans in the South Side, they are welcomed if they are residents. That is what this City is all about, not to exclude, not to get permission to be in any part of the City. I will be doggone if any African-American feels, to this line, that they need to act a certain way, look a certain way and then be allowed to be welcomed back. That is bologna. That is absolute bologna.

I was infuriated with this. I think there is a lot of political motivation. I do not like it. You did not contact anybody. You did not get the facts. You know, nobody. Have you talked with the City officials? Have you talked with the person who is in charge of permits to find out, well, was the permit signed off?

There were too many assumptions in your letter, unfounded accusations, not a lot of being informed, did not see the police report, and ultimately, capitalizing on the sensationalism that the media had. Capitalizing on it.

Let's talk about the media. There were media officials actually part of that event. Part of the event. No one ever talked about the ribbon cutting that went on Saturday. No one ever saw the children that were inside playing together. No one every knew about the Ellis Dancers, who opened up the event, predominantly white but a racially integrated dance troop. No one ever showed that. No one ever showed people getting along. All we ever saw was one incident and maybe a little bit on Sunday. And, to capitalize on that through that letter, I think was a tad irresponsible.

Again, this letter has been insulting to many people. It has been insulting to me. I am very, very disappointed. Very disappointed. Many people are disappointed in this letter. It was a knee-jerk reaction, and I think it is high time politicians quit with the knee-jerk reaction and get the facts and know what they are talking about before they just spew off in to insulting people, and that is exactly what this was. And, to even indicate that this is not racial, I do not know, I have been around for about 40 years and it sounds pretty darn racial to me. I mean I do not want to – I am tired of people saying, oh, we didn't mean anything, I didn't – no. I say, cut the crap, I was not born yesterday, no one was born yesterday, we all – we are not fools. We know a spade when we see spade and this letter wreaks of it.

Again, "the visitors" is ludicrous. We have had South Side festivals, where people are drunk, people arrested, urinating, litter and all that, but I wonder is somebody saying, you're not welcomed back, you're not welcomed back? Is anyone going to pull the permit for a South Side festival because of a problem?

I am going to say this: I commend WAMO for what they have done. They have gotten 14,000 attendees together for a two-day event, with one incident, one. And, we are talking about young people, who, let's say, sometimes can cause more

problems. One incident. I think that is commendable, to get young people together like that, for a very positive event overall, but we only focus on the negative stuff. There are fights everywhere any time you get a lot of people together, I do not understand why this is such a big issue. I have not gone to a stadium game where there has not been one outbreak of a fight. It is normal when you get a lot of people together. That is what the cops are there for. That is what security was there for.

Lieutenant Johnson, who is Deputy of Security for the Pittsburgh Schools, also felt this whole incident was blown out of proportion. He felt everything went pretty doggone okay.

But, again, I want to go back. Mr. Ricciardi, if African-Americans – and let's face it, the whole event was just about all African-American – but if we are to be called visitors, then I question you on what do you mean by visitor? City residents are not visitors; and ultimately, City tax dollars were used on this stationery, through mailings, to insult a large majority of the City of Pittsburgh, and I am not just talking about African-Americans. I am talking about, there were many other people who were insulted in how you have handled this. So, I am not out to throw barbs and name calling, as has been done, I am just saying I think this could have been handled a lot better and I -- like I said, I will turn the mike over, I am just about done.

And, I also think that -- I teach my kids this: If you insult somebody, apologies are needed. This was a public insult to many people. Over 14,000 people did act responsibly, did act responsibly, and yet you said, they are visitors, and you held them to some other standard. I think they are deserving of a public apology. Because, again, it may – we can argue the substance; but ultimately, you insulted a lot of good people and some people – no, let me not say some – many people from your own district. Thank you.

The Chair:

Councilman Ricciardi, did you want to respond.

Mr. Ricciardi:

Thank you, Mr. President. I welcome the comments by my colleague Valerie McDonald. Let me state for the written record that I stand by this letter, one hundred percent. My position is clear and it has been consistent. And, I am going to respond to the unfounded accusations by my colleague. But, before I say this, let me say how disappointed I am and even a bit amused that WAMO Radio Station, W-A-M-O, refuses to accept corporate responsibility for the havoc that they wreaked on the South Side of the City of Pittsburgh. And, the reason for that was, as I stated, poor planning and dismal organizational skills, which they had none. Traffic flow was not taken into consideration. Carson Street was shut down. It jeopardized the health, safety and welfare of all South Hills communities because Carson Street is a major artery in the City of Pittsburgh. Adequate parking was not taken into consideration, was not well promoted. McArdle Road was shut down because one lane was shut down. BP Station needed to close because they used it as a parking lot. Poor organizational skills by WAMO.

There was a lack of security. I just received this letter this morning from the Pittsburgh Public Schools. Here was all the commitments they made, and here is what truly happened. They promised ten police officers; they did not deliver ten police officers. They promised security; they did not deliver on security.

As I had stated -- and, Ms. McDonald, you make mention to the South Side Spectacular. I have been a critic of the South Side Spectacular. And, I called all those people coming to the South Side visitors, in trying to enjoy the neighborhood.

But, let me tell you the difference. The difference was, and what I am trying to point out by the organizer here, WAMO, that when police were called to the scene for fights that were breaking out outside the stadium, people trying to get into the stadium, because WAMO probably over-promoted the event, what happened was, the police were attacked, debris was thrown at the police officers. Police officers needed to pull their weapons, their guns, police officers needed to pull their batons; it was an ugly scene. I witnessed it. The electronic medium, Ms. McDonald, does not lie, pictures do not lie. Three blocks of Carson Street had to be closed down for security measures. The 12th Street Bridge had to be closed down for pedestrians and traffic. That has never occurred before. There were only four arrests, contrary to what Mr. Lincoln says, not because there were more people rioting, but there were only four arrests because a police officer could not take himself out of line of duty by arresting one person. That was the problem, that was the problem at hand.

And, I find it very interesting that the NAACP, which out of their deck of cards probably 50 cards are race cards, I would like to know what the other two are. If you talk about curfew, if you talk about my anti-drug loitering legislation, if you talk about WAMO being a major sponsor of an event, if you talk about busing, it is racism, it is always a black/white issue. This is not a black/white issue.

And, let me point something out. It is an insult -- it is not a problem if someone calls me a racist, it is an insult when people call the fine people of the South Side racists, or this is racism. Let me tell you why. The South Side is well-integrated when it comes to our programs and our activities.

Ms. McDonald, let me point something out. Twenty-Second Street Swimming Pool, Ormsby, well-integrated swimming pool, South Side kids having fun playing with Hill District kids. Look at the pools. Hill District, Ammon Pool, is a beautiful pool, Ormsby does not even match up to it, but we receive a lot of visitors from the Hill District because the South Side Pool is a safe pool. In six years we have only had one reported incident of racial disharmony.

Look at our park at 12th Street, well-integrated, never received an incident of racial disharmony; never did Gene Ricciardi or the good people of the South Side stand up and say, we're not pleased with who's playing ball, never. Look at two years ago when the Masloff Administration came to Councilman Ricciardi and said, you know it's not safe in Homewood, it's not safe in the Hill District, we'd like to bring over kids to play at Winters Field in the South Side

Slopes, we'd like to use vans to bring them over. We supported the program. Never an incident.

Look at the Black Entertainment Television, on an annual basis, Celebrity Softball at South Stadium, attended by mostly African-Americans, never an incident; you never heard the fine people of the South Side stand up and say they don't want it there; you never heard Gene Ricciardi in any way criticizing it, because it is well-organized, it is well put together, people work with the community, nothing ever goes wrong.

WAMO should grow up, stand up, take responsibility of their actions and admit they failed miserably; they cannot sponsor a major event and they are not welcomed back to South Stadium. I only feel bad that I hope now Mr. Richard Fellers does not have to have political pressure put on him to change his tune. A letter that just came to me today, and I am not going to even read what was agreed upon and what actually happened and the money that WAMO still owes and has not paid, let's just take the conclusions. South Stadium is not large enough, nor is the parking adequate enough to support this kind of event in the future, rather it be the Radio Station WAMO, or another organization.

Ms. McDonald, we could play with semantics, or we could talk about what this word "visitor" mean, or what does the word "resident" mean, and we could talk about the gist of the letter, but the intent of the letter is there. The intent being that WAMO Radio Station is not a responsible promoter or sponsor of a large event, that they wreaked havoc in the South Side.

Ms. McDonald, I am not sure if you were there outside the stadium but it was ugly. I have never witnessed before attendees, visitors, residents, people throwing debris at police officers, where police officers had to take cover, and electronic media does not lie. So, the bottom issue, is it racism; is it a black/white issue? Sure, the NAACP, they are going to call it is, and let them call it; as I stated, out of their deck of cards 50 are race cards any way. I would like to meet with them to find out what the other two productive cards are, I have not seen them play those cards for a long, long time.

But, the bottom line is that we have good programs and good activities in the South Side, some of the activities and programs are 100 percent African-American, such as the Black Entertainment Television, some of the programs are well-integrated. A lot of other programs come to the South Side because it is a safe neighborhood. Why are all the Championship games for the high schools played in South Side, it is a safe neighborhood. Two years ago, unfortunately, there was one incident but besides that incident two years ago, there has not been incidences.

So, let's not try to make this a black/white issue; let's not take apart Gene Ricciardi's letter of June 22nd, 1995, which I stand behind 100 percent, and let's not try to pick about semantics, let's look at the real problem. And, I will end with this, unless Ms. McDonald would like to continue the conversation, the real problem is that WAMO is not a responsible sponsor. They probably do not have experience in hosting 14, 15,000 people. Let's also state that when – and,

for the record, when I spoke to Mr. Richard Fellers, I even mentioned to him when he discusses this with WAMO, that I would like to work with WAMO to find another site, a site that could probably work a little bit better, that I would like to help them with their organizational skills, and I am on record with that.

And, let's also say about WAMO, there was a meeting -- Alan Lincoln did schedule a meeting with me last week, I had no idea about the meeting, because as you have said, Mr. Ferlo, someone should pay hell because the Council District person, plus the Commander Mullen, plus our community groups knew nothing about this or we would have helped them through this. We knew nothing about this. Alan Lincoln had scheduled a meeting, I thought it was just a meeting on who knows what issue; he canceled the meeting, I still did not know. The way I found out about this was people listening to WAMO, calling me up and letting me know about this. He called me Friday, I was out of town Friday, I told him I would call him back Monday. I did not show him the courtesy of calling him back Monday because the next thing I know there was a Press Conference at the NAACP.

But, once again, people out there need to divide people; people out there need to see skin color; people out there need to make this a black/white issue. You can do anything you want, Valerie, and try to make it a black/white issue, but I feel confident in myself, it is an issue of poor organizational skills. And, if Mr. Richard Fellers receives any type of political pressure or anything at all, I hope that he considers a lawsuit, I will help him pay for that lawsuit, because according to information I received, not just from Richard Fellers, by the way, but by a School Board Member, that WAMO not only failed, but at South Stadium they were sat behind the lines; they did not even score a field goal, let alone a touchdown. Thank you.

The Chair:

Other responses. Ms. McDonald. Just to respond, and then Councilman Udin.

Ms. McDonald:

Just to respond to your comments. Parking is always a problem, Mr. Ricciardi, on the South Side, please don't blame anybody for that, that is the logistics of how this City was built.

As far as Carson Street being shut down and traffic patterns, that is something that the City takes care of, let's not be naive on that. The City takes care of that, and if Carson Street would shut down I do not think private people or residents or whoever can just shut a street down, it takes the officers and the Public Safety Department to shut a street down.

There were eleven officers that were provided, in excess of ten. They asked for ten, eleven were provided, that is on record.

You said the media does not lie; yes, it does when they do not show the entire facts. When you read one sentence out of a paragraph and that is what you believe, you have not read the whole thing, you basically have gotten a half truth, and a half truth is a lie. Now, that is what -- excuse me, I do not want to get religious.

That is what the scriptures teach me, a half truth is a lie, and I do not believe that they had reported the entire event properly.

As far as the event being over-promoted, I would say that was just a matter of success. They were more than successful, they were too successful. Just like we running out of safety helmets, the bicycle safety helmets, it was too successful, and there were a lot of people that wanted to come. That is great.

And, as far as, you said monies still being owed. Believe me, I think WAMO has the money to pay that little bill. I would not worry about that. Maybe you need to sit down and talk with them. They are a lot bigger radio station and broadcasting company than probably what you understand.

And, you say it is not a black/white issue and that South Side has such racial harmony, and I did not know there was euphoria in the City of Pittsburgh; I am sorry, open your eyes; everyone needs to open their eyes and quit denouncing that racism is not alive and well, it is very much so alive and well, in all parts of the City of Pittsburgh, all parts. Maybe if you were in the skin I am in, you would understand a little bit better.

But, the bottom line is, racism is alive and well, and what makes us more sophisticated here in Pittsburgh and in the North is that, we do it in a very quiet, sneaky fashion, as compared to in the South, where they just call you, call you what they feel you need to be called. That is the problem, we do not have racial harmony; the things are not as peaceful and fine and dandy as you portray, we have some problems.

But, I think that letters like that, that are filled with nothing but emotion and not the facts, not having met with anybody, not having to follow up with a phone call, only exasperates the problem, it is only inflammatory. And, I would ask that in future, any colleague of mine – I will say this, we have two black Council people on City Council right now. But, I would say, in the future, if there is a racial problem or you think something can blow up in to that, why don't you just talk. Sala is right next to you. I am here, all you have to do is call me. Everyone has my phone number. I am in the phone book. So all you have to do is call.

But, letters like this are inflammatory, and I think throwing stones and name calling is just terribly disrespectful, it gets you nowhere, and right now you said WAMO needs to grow up, needs to do this, needs -- get your facts first, before you go throwing stones. If I throw a stone it is going to be well-targeted and I am going to hit, but you are missing because you have not gotten your facts together.

My suggestion is, instead of thrashing a very prominent black radio station, who had the best of intentions, did everything possible, did as much planning as possible, instead of throwing stones, talk to them. That to me would be a higher level of responsibility that you talk about in the letter. You know, responsibility is not just how you act in the stadium, it is how you conduct your entire business life, and this is a business thing. Thank you.

The Chair:

Councilman Udin.

Mr. Udin:

I would like to second the sentiments of Councilwoman McDonald relative to the letter that was sent out by Councilman Ricciardi. The irresponsible character that he labeled WAMO Radio Station, I think is reflected in his behavior and in his letter.

Public officials have a responsibility to be informed, to be factual and to be measured in their comments and responses. I think that the letter of Councilman Ricciardi was not responsible but was inflammatory and made the situation worse. I think that his comments here today have further given evidence of the racial character of his intent and his comments in referring to the NAACP, an organization that has been around for many, many decades and has done tremendous credit to not only African-Americans but to the America as a whole, to describe them as only having 50 race cards, or 50 of their 52 cards are race, and I would like to know what the other two productive cards are, which means that the so called race cards are not productive. The history of the NAACP and their 50 race cards have been productive for many, many years and have contributed to the growth and development of this country.

So, responses like the ones from Mr. Ricciardi are the kinds of responses that will take a situation and blow it up in to a full scale racial confrontation, such as the way he characterized the people of the South Side. Well, the people of the South Side did not write this letter, Councilman Eugene Ricciardi wrote this letter, and nobody ever said anything about the people of the South Side; in fact, most of the people who were arrested that day, there were only four out of 14,000, they were from that district.

So, I think it is a lesson to all of us as responsible public servants not to have a double standard. I think that the response that the Councilman had to the complaints that he had about the South Side festival were constructive in nature. I think that what he came up with were some suggestions about how the South Side festival could be made better, how the law should be enforced, how the people should behave. It was a constructive and responsible response. Your response this time was not as constructive; in fact, you invited people out of the community, not to stay in the community. You have no right to invite people out of the community, that is as much their community as it is your community. You have no right to attempt to keep any radio station from getting a permit, that is the business of that radio station and the Board of Education, that is their property and they have the right to issue their permits, we have no right to interfere in that.

So, I would caution you, if you want to convince people that your comments and responses are not racial and inflammatory, that you be more measured in your responses, they are to be based more in fact, and that you not capitalize on a situation to make it worse than it is. Thank you.

`The Chair:

Thank you, Councilman. Councilman Ricciardi.

Mr. Ricciardi:

Let me make some closing remarks, Mr. President. Thank you. I disagree with Councilman Udin, race cards are never productive, and that is exactly what is occurring here today. We spoke about the Corliss Tunnel. There is a perfect example. Say, for example, if the Corliss Tunnel was 100 percent African-Americans dancing and enjoying themselves in the Corliss Tunnel, does that mean, if Councilman Hertzberg – and I apologize for using your name – would step forward and condemn the party there, does that mean once again we make it in to a black/white issue.

Again, Councilwoman Valerie McDonald, with all due respect, as you have stated, when you described WAMO, as the black radio station. I am not focusing in on WAMO because black or white, I am not focusing in on this issue, black or white, I am saying – and here is where you are wrong, I was there, I witnessed it. It was not over-exaggerated.

You condemned the police officers, you blamed the police officers for their report. They were there. It was an ugly scene that was turning violent. The police are properly trained to fill out those reports. They were there. I was there.

What I am saying is – and once again in closing – WAMO proved to me that they are not responsible sponsors, that they cannot sponsor or hold an event of such magnitude, and if they are going to wreak havoc in the South Side, they should not sponsor an event in the South Side.

And, let me just say this – and I apologize if it sounds, Ms. McDonald, as if I am issuing a challenge – but if you feel so confident that Radio Station WAMO, W-A-M-O, can sponsor a major event, I would ask you today, for the written record, to say that you will sponsor in your councilmanic district, WAMO's next major event. That is what I would like to ask you. If you feel comfortable that WAMO can actually pull it off and not cause havoc in a neighborhood, in terms of traffic, parking, security, and in terms of just pulling it off, do you, accept WAMO in your neighborhood on their next major event.

The Chair:

I think – Mr. Ricciardi, I think our discussion, unfortunately, is really entering –

Mr. Ricciardi:

Well, I just want to thank my two colleagues, though, however, because I thought it was a productive discussion and I think it was done –

The Chair:

I understand. But, I think the discussion was entering some dangerous waters here, when you characterize that an event has to be – particularly an event of this nature, has to be in any one particular neighborhood. I think we are now really fundamentally straying from some of the defensive comments that you made in trying to explain your memo and the actions you have taken.

I picked one good week, I guess, to be out of town, because I was not here and obviously I did not witness, as Mr.

Ricciardi did firsthand, activity outside the stadium.

I would just like to say that it is not clear to me that we are going to leave this room with harmony among our colleagues; clearly we have squared off in to respective corners, and I do not think we are going to convince each other of some of the positions and biases and views that we have, leaving the discussion here today. It is not clear to me, however, whatever actually took place, that there was harmony outside the gates of those young people that were not able to get in, and clearly there were some organizational issues that WAMO itself, in terms of its own self-interest, or anybody else, needs to look at when they are trying to match up the event with the proper facilities and all the resources and activities that need to go on to put off a good event.

I would hope though that we can leave this room with at least some harmony, and that is a willingness on the part of everyone, including my two colleagues, Ms. McDonald and Mr. Ricciardi, while you clearly have some "Fundamental" differences of opinion here. Fundamental, I am using that in the capital "F". I think very clearly I think together we need to work as this legislative body and show some leadership, however we disagree, and clearly both of you fundamentally disagree. And, I have some very strong views about some of the comments that are made, including the characterization of the NAACP. I am a Member of the NAACP and if we really look at the contributions and activities of that organization since the turn of the century, you will -- in fact, if you take away the race issue, you would have to admit that that organization, from the Civil Rights' point of view, has actually created opportunities for more white people in this society, more people in the labor movement, more women, than actually African-Americans. If we actually looked objectively at the issues they have taken on over a ten-decade period. That is another discussion.

But, I just want to say that I would hope that we could get a commitment from both of you today to work together with others who have spoken and let's try to grow out of this incident. Whatever difference of opinion we have, I think -- and regardless of what the view is of some in the neighborhood, I think ultimately people still look to this body to show some leadership, and while we may continue to have some disagreements, I would ask that both of you commit yourselves to a process with the other parties involved and that we grow out of this and try to learn from this experience about what needs to happen in the future regarding the conduct of particular events, regardless of the composition, regardless of what neighborhood they are being held, and I will certainly help facilitate any discussion with the appropriate parties. And, I sense the willingness on both of your parts to continue this discussion and maybe a more productive framework.

Any other discussion in this respect? I would like to ask my colleagues, if there is no objection, that we meet again following the July 4th holiday and that we meet on Thursday, July 6, with the Regular Meeting of Council at 10 a.m., but we also meet on Thursday, July 6 at 1:30 for the Standing Committee, the Finance. So, we will hold off and meet

both times that one day, if there is no objection.

At this time I would like to entertain a motion to approve the Minutes and to adjourn.

MR. ONORATO moved to approve the Minutes of Tuesday, June 13, 1995 and Tuesday, June 20, 1995.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

And on the motion of **MR. ONORATO**

Council adjourned.

Mr. Cohen:

Thank you, Director, for the overview.

Let me understand. Are these the final figures that we are going to get until September, especially on the federal dollars? Give me an overview on the federal dollars compared to last year, if you would, please.

Ms. Parees:

I will be happy to. If you let me look at my sheet, I will give you true figures.

Mr. Cohen:

I appreciate you putting these all together, because if you do it bit-by-bit, week-by-week, then you lose that overview.

I guess as you are looking, maybe a prior question is do we have any more information than we had last week at this time? I think it was a week ago that we discussed this.

Ms. Parees:

I used the word "incredulous" the last time I was here, and I don't know a word better than incredulous. So no, we still do not have our final allocation

Mr. Cohen:

How about "mean spirited"?

Ms. Parees:

Gosh, we might have to move to that eventually.

Mr. Cohen:

Obviously not directed to you, but what Congress is doing to us.

Ms. Parees:

At least ill-advised in terms of us trying to

run a program. But we have been advised by them to continue to plan and to spend, being conservative in our estimates, and we are doing that.

Mr. Cohen:

Okay. What do we have now?

Ms. Parees:

What we have for our adult moneys is 80 percent of what we had last year.

Mr. Cohen:

How much is that, Director?

Ms. Parees:

Do you want the exact figures?

Mr. Cohen:

Approximately.

Ms. Parees:

I am going to ask Bernard Kelley to join me, because I am looking at his numbers and I am not as apt to give you the correct figure off this sheet.

The Chair:

Please identify yourself and speak into the mike please.

Mr. Kelley:

My name is Bernard Kelley. I am the fiscal and accounting service supervisor in Barbara's section.

Ms. Parees:

Bernard, would you just run down through the different sections and tell what percent we have, what last year's figure was and what this year's figure is?

Mr. Kelley:

All right. For our adult funding, last year we had $1,140,709.00, that was our total grant. And we looked at it, we anticipate getting abut 80 percent of

that this year. We did the same thing for our older workers' money. Last year we get $63,429.00. We are anticipating 20 percent of that.

Mr. Cohen:

20 percent of 63,000?

Ms. Parees:

Or is it 80 percent?

Mr. Kelley:

Eighty percent, sorry.

Mr. Cohen:

You anticipate losing 20 percent?

Mr. Kelley:

Losing 20 percent. The youth money, last year we got $621,040.00. We are anticipating only getting about 20 percent of that. That is where we think our biggest cuts are going to be.

Mr. Cohen:

Losing 80 percent of our youth money?

Ms. Parees:

That is what we have taken as a conservative estimate. We are hopeful, actually, that we will receive all those funds, but we don't know that yet.

Mr. Cohen:

But realistically, we know we are not going to receive all of them. We know that. You are conservatively saying, "This is what we can put out now." We obviously can't put out more money than we are going to be reimbursed for.

Ms. Parees:

Right.

Mr. Kelley:

I think this is the time to be conservative,

because there are a lot of things we don't know.

The EDWA funds are broken down into three sections. There is regular EDWA, last year that was 515 —

Ms. Parees:

It is jargon for our dislocated worker funds.

Mr. Cohen:

Thank you.

Mr. Kelley:

The normal allocation was $515,185.00, and we are anticipating 70 percent of that. And the state has some discretionary money under the dislocated workers, and last year we got $79,194.00, and we are again anticipating 70 percent of that. The state gives us some money under the dislocated workers for needs base payment, and that was about $40,000.00, and we are again anticipating that we are going to receive about 40 percent of that.

Mr. Cohen:

Does that originate with the federal government, though?

Mr. Kelley:

No, it originates with the state. On the needs base payment money, that comes directly from the state.

And then the other money we got, we are anticipating 100 percent of our Department of Education money, which was $271,192.00, and we also get some additional money from our PAC Program, and again we are anticipating about the same as last year, which was $49,500.00.

Mr. Cohen:

Okay. Thank you for that summary. I don't want to be repetitive, but it is really — it is ironic that at a time when we have a very high youth unemployment problem and also, of course, a continuing youth violence problem, that Congress decides to cut 80 percent. We will know exact figures in the end, but they decide to cut 80 percent out of our Youth

Employment Program.

I am not going to get into picket fences today, because I know we have decided to wait until everybody is here before we do that, but here is the problem: $621,000.00 last year for youth employment, I don't have my calculator with me, but 20 percent of that is approximately $140,000.00, something like that. We are going to be a good $470,000.00 short, which is hundreds — to put it in human terms, hundreds of youth that are not going to have an opportunity to get a job. That is what this comes down to.

So again, it is not a criticism at all of the Department of Personnel. I think you are doing everything that you can and I appreciate you moving forward with it. But we have a problem here and I think we got to rearrange priorities.

Mr. O'Connor:

I have had problems with this program even when we had money, so now that we don't have money, could you tell me how much money we have?

I have a couple questions. What is the total we have and what goes to administration?

Mr. Kelley:

The administrative dollars depend on the grant. For example, the adult program, 20 percent of the funds are for administration. That doesn't necessarily mean that we use 20 percent of it; some of our contractors use it to operate their programs. So there are some administrative dollars that go toward the operation of the program.

The EDWA Program, for example, on the regular dollars, approximately we get 15 percent on the regular allocation for administration. On the discretionary money, we get 5 percent.

Mr. O'Connor:

I guess what I am asking, could you give me a total — and I think this is — a total of how much money we bring in for jobs, summer jobs, youth jobs? I know one time before you were here, I understand there was a break where the city and county both were doing the same thing, but instead of combining forces for administrative purposes, they were paying jobs — in

other words, possibly your salaries or somebody in the administration, and probably the county was doing the same thing. So while we are top heavy where we are covering some other job, the young people who are supposed to be helped in this program weren't getting the money.

I am going to start voting — I know my colleague and I had this out with the old administration a couple years ago, but unless it is really reaching those who need it, I have a lot of concerns about it. And I am sure possibly — not that I am suggesting they cut it — but possibly these were some of the reasons why they are scaled back. If most of the money is going to bureaucrats, I don't think it is doing the purpose.

Can you respond to that?

Ms. Parees:

A couple of things. No. 1, I hope that you will give me the opportunity to provide you with our current figures. I believe that our administrative costs — as Bernard was indicating, we have a certain percentage up to which we are able to spend on administration. If a grant says that we could spend 10 percent on administration, that doesn't mean that we do; we might spent 8 percent. When I say "we," and I think he tried to allude to this, as well, that is not my department, but, in fact, that is given across the contracts to other providers; the neighborhood groups, the youth serving organizations who provide these services to youth realize those administrative costs.

The second thing I would say is that the population that we serve, the groups who we help to bring to employment are people who have significant barriers to employment and often require a great deal of support. A lot of that administrative money goes to providing that kind of case management and support that is needed to help that person be successful. They have not been successful typically without the support, so that kind of support has really helped them move along and find full time employment.

Mr. O'Connor:

I agree probably on the full time person who needs help for whatever reason; they have problems filling out applications, where to go, all those type of things. But how about when we are talking about summer youth when we know we have, say, $1 million and can put

X amount of people to work, where —

Ms. Parees:

With youth, again, supervision is necessary and if we are don't provide adequate supervision, then we are not providing what I believe is a responsible program. So I think that our costs in those areas are reasonable. Again, I would like you to give me time to provide that to you.

Mr. O'Connor:

When we talk about supervision, I agree with you that it needs on-the-job supervision. If you are going to put X amount of young people out doing anything, you need a supervisor for every three, four, whatever it may be. That kind of supervision, I don't — I am talking about the person who sits Downtown and may do other things.

Ms. Parees:

We have very few of those. When we mobilize a work force of 1,000 people, which is essentially what we do in this next six to eight week period, getting time sheets in and doing payroll and having all of that occur on time and in good fashion is not an uneasy administrative function to perform. Again, I would stand behind the system that we have in place and say that our staff is here at the city very lean and that the money I believe goes directly to what it takes us to put that program together and to get the most dollars in the pockets of the young people who are working. I couldn't agree with you more.

I am remembering my third point now. You mentioned the issue about the city and the county duplicating services, and I would like to share with you, and we will send you a copy of, the join venture agreement that has been signed between the city and the county Private Industry Councils. We had our first retreat, it was really essentially a day long meeting last Friday with representatives from both County Private Industry Council and the City Private Industry Council to look exactly at the issues you are saying, so that we train our staff together, that we don't both provide the same training and that we don't both provide the same services. So we recognize the value that that would bring to our operation and we are working toward that. We are very pleased about that.

Mr. O'Connor:

Do you have an outline of this?

Ms. Parees:

Yes. We have seven points that we are working on goals that we have this year in the areas of cooperation. I will definitely send you a copy of that.

Mr. O'Connor:

Last year we didn't pick on you too much because you were new.

Ms. Parees:

Thank you.

Mr. O'Connor:

It sounds like you are making improvements.

Ms. Parees:

Thank you. I hope so.

Mr. O'Connor:

Because the years before I had a lot of problems with.

My other point is of these thousand jobs, do you have a breakdown of what they are going to be?

Ms. Parees:

Yes. Eight hundred of the jobs will be at 34 different youth serving organizations, work sites throughout the city. And we issued a press release last week, I would hope you got a copy of that, indicating exactly who those organizations were, and if you did not get it, I will be happy to give one to you.

Mr. O'Connor:

I am worried about what they are going to do. Are they all going to pick up parking lots?

Ms. Parees:

No. All of the programs are geared towards

integrated contextual learning that has to be documented. That is, if you are planting a garden, which is one of the projects I am recalling, then the young people are also deciding, "So how big should the garden be," and, "How many seeds should we order," and, "What yield will that give us ultimately," and that is a way to learn math. The conceptual learning concept, we are into our third year of that. I would say that our organizations are really getting very good at learning how to provide that.

All of the programs were evaluated by independent review committees. We had some 59 proposals from community organizations. They went before — we have two full days of review committees, people who volunteered their time from the community to come in, hear these proposals, hear what they were suggesting that they could do with young people over the summer, and then they rated those proposals and we chose the 34 organizations based on the results of those review committees, again, done independently, not by my department, but by independent people from the business and community groups.

So I feel very good about what we have together for this summer. Eight hundred of the jobs will be in those areas and 200 of the jobs will be at city work sites. That is down from a number of years ago where we had probably as many as 300. Again, at the city work sites we have stressed supervision, we have stressed what is the project, what is the work that is being done. We had requests for I believe more than 40 interns in city departments, and that is really almost double what was requested in the past. We are very excited about that.

Mr. O'Connor:

Do you fill most of those?

Ms. Parees:

Yes.

Mr. O'Connor:

So far everything sounds good. You audited proposals, you picked out the best ones and you gave those organizations — most of them are probably very good organizations and mean well.

How do we follow-up?

Ms. Parees:

How do we follow-up?

Mr. O'Connor:

On paper it looks good. Now, most of my experience going out and watching the workers has not been good. What I am suggesting is your staff, if you have 34 people, could they go out one day and audit these, personally visit these work sites just to see if it is half as good as the piece of paper and what kind of training and work --

Ms. Parees:

Any time you see something that does not please you, I hope you will tell me and we will go out there together.

Secondly, we do bring on extra staff in the summer, field service aides, and that is their responsibility to monitor the program. And we monitor it in two ways; fiscally to make certain that the money is being paid in a way that we designate that it should be in wages and other costs associated with the program, and then we do a program monitoring project so that we understand --

Mr. O'Connor:

How big is your staff? How many people work for you?

Mr. Kelley:

There are about 36 people, 37 people.

Ms. Parees:

Are you talking full time on the staff? But then how many do we have for summer?

Mr. Kelley:

I think there are about 12 people.

Mr. O'Connor:

You have 36 employees in your department?

Ms. Parees:

Yes.

Mr. O'Connor:

Full time city employees?

Ms. Parees:

Yes.

Mr. O'Connor:

There are 34 programs?

Ms. Parees:

Yes.

Mr. O'Connor:

Do me a favor: Give everyone one afternoon, a couple hours to make a mystery guest visit to these sites to see what is going on.

Ms. Parees:

I will try to put something together.

Mr. O'Connor:

It will only take about four hours. I would like it all day, but maybe a half day surprise visit to see the supervision, see what kind of jobs they are doing and what kind of training they are getting and what they are doing.

Ms. Parees:

We will do something like that. I am not certain I can release all 34 people for an afternoon.

Mr. O'Connor:

You have all summer to make a surprise visit.

Ms. Parees:

Okay.

Mr. O'Connor:

I hope it is very good, bit I think it would be an eye opener for you. If it is good, pat everybody on the back. The ones that need improvement, I think you can improve. Will you do that for me?

Ms. Parees:

I will put something together that resembles that request.

Mr. O'Connor:

I don't know if you need my vote or not, but it is going to depend on it.

Mr. Udin:

First of all, I want to congratulate the department on a vigorous summer employment project despite conservative efforts in Washington to reverse the trend of opportunities for young people being able to find work.

I have some questions about the operations sides. One, when is it that you plan to get up and going? What is the start-up date?

Ms. Parees:

July 3rd. For summer? July 3rd. Some of the youth have begun early, some very few projects at the pools and some things, work that needed to be done, they were brought on board early at the request of a department or a project. But the majority of the youth start July 3rd.

Mr. Udin:

The funds are in place and the operation is set to go?

Ms. Parees:

Yes.

Mr. Udin:

Most of the complaints that I have heard in the past have been operational in nature, a general confusion about where to go, what to do, where youth can

access applications, et cetera.

What is your sense of what the problems are in that area and what has been done to correct them?

Ms. Parees:

I heard very similar issues and I experienced the same last summer, which was my first summer in this position. I had the opportunity to restructure my department and I did so, and in doing the restructuring I included a position called Youth Program Supervisor, which did not exist. There was not in the past one person who was responsible for all youth programs. I now have that position in place and I am very pleased with the outcome of that.

Additionally, planning had been an issue, I believed. So we began, we called it our summer swat team, and we began meeting last September. I could give you a file folder this big of our agendas (indicating). We had everyone in the department meeting who had anything to do with summer. We made an incredible list of, "So what do we need to do to make the summer program better," and we put that list in a chronology that we thought was appropriate. I would ask that you speak with some people in the department who have told me that they are experiencing a very sort of -- words like "calm" have been used, where in the past things had seemed to be fairly chaotic. Our contracts are in place this year and much credit goes to Bernard Kelley in terms of the restructuring. The program administrators report directly to Bernard and their output on contracts has been really extraordinary this summer.

So again, I feel like I am patting myself on the back, but it is really the staff that deserves the credit. I believe that the restructuring has really contributed to us running a very efficient summer program.

Mr. Udin:

Thank you.

Concerning out-of-school youth versus in-school youth, how does the program separate those two groups of youth in terms of access to the employment, or do you distinguish between out-of-school and in-school youth?

Ms. Parees:

When the proposals are made to us, the groups indicate who they want to serve, what age group they are going to target for their program, and they may be doing a career exposure program where they are going to target 15 year olds or they may say, "We are going to do a youth service corp and we are going to target 16 to 21 year olds," or "We are going to do a youth service corp and target 18 to 25 year olds." So the groups indicate who their target group is.

We, in terms of recruitment, are always looking for ways to recruit the out-of-school youth who, as you well know, is our greatest challenge, because it is very easy for us to show up at the schools and pass out applications and get those in-school youth enrolled. But the out-of-school youth are harder to reach. So in terms of our recruitment, we are always looking at ways to includes those.

Also in the way we spend our funding — and I can't off the top of my head say this — we have out-of-school youth as a target group, and we target certain portions of our funds to be certain that we are reaching that group.

Mr. Udin:

Do you know what percentage of the youth are out of school?

Ms. Parees:

Not off the top of my head, but I would be happy to get that figure for you.

Mr. Udin:

I am also concerned about the linkage of summer employment for out-of-school youth to permanent employment. What do you have built in that gets to that?

Ms. Parees:

Well, we have been working diligently to get away from this concept of the huge summer program and going toward a year round program. We recognize the need to do that. One of the unfortunate issues of us losing our funding is that when we receive our youth funds for this summer, the federal government has

indicated that they will take away our year round youth funds and they have told us we could spend up to 40 percent of our summer funds on our year round projects. So everything is shrinking. So our efforts in the past would have been to engage, and what we have done is looked at the summer programs to see which ones have the ability to go year round, and then offer that to programs that have been successful during the summer; so "Would you like to continue year round?" And that is what we did last year. We had a couple of really successful programs, and those are programs that typically engage out-of-school youth. That is going to be diminished by our lack of funds, but not by our belief in any way that it ought to be done.

Mr. Udin:

The one thing that I am hoping to try to work with your department in doing is to kind of develop a more comprehensive and permanent approach and strategy. This focus on youth and focus on the summer is very narrow and limited when we have a need that extends beyond the summer and goes year round and extends beyond the youth and includes the youth's brothers and sisters and uncles and aunts and parents and grandparents.

We need to have a clear concept of what the total employment need is in Pittsburgh and to have a plan for how we are going to address that need using not just your department, but every single department in the city, and incorporating and involving all of the key players in this city; all of the employers, all of the institutions, all of the organizations. We have a very serious unemployment problem in this city and we need to demonstrate to the people of this city that we in government understand the size and scope of that problem, understand the urgency of the problem and that we are doing something to approach it. And although I appreciate what little this summer approach and the youth approach provides, it still does not get us closer to a permanent strategy and perception of the problem.

I am really looking forward to your assistance in developing a strategy to approach that.

Ms. Parees:

Thank you. I look forward to working with you.

(Deleted text.)

Mr. Cohen:

Very briefly, because I realize this is the second round for me, as Councilman Ricciardi was saying, what we are seeing really is a profound shift in the premise of government in Congress, and that is — and I used the word "mean spirited" before. I wasn't using that flippantly; that is what it is. We ought to make sure that everybody understands, just as Sala Udin said, that the reason these cuts are being made is because this new leadership in Congress doesn't believe that government should have anything to do with helping people get jobs, with social programs for the needy. We are talking about things like medical care at the National Institutes of Health that are being cut. We are talking about nutrition programs for seniors that are being cut, not to mention the Summer Employment Program. I think it is disgusting. What is it for? For some of them it is deficit reduction, but for many, many of them, it is for tax cuts for people making over $200,000.00 a year. That is what is going on in Washington right now. As the effects, these kind of waves of the effects of that come into Pittsburgh, we are going to be feeling it more and more and it will be squeezing us harder and heard. We have to do everything we can to fight back.

I want to follow-up on one other thing that Councilman Udin said, and that is the link between the summer employment and a more permanent job. In my experience, it seems to me that the placement of youth in private companies often has a much greater chance of leading to a permanent job than just the Summer Employment Program run by the city. And I am wondering why there hasn't been more work on placement at hospitals, at accounting firms, at every kind of private sector firm. Maybe there has and I haven't just seen it yet. But it seems to me that that is a natural connection, that if a youth works at a hospital, hopefully in some job that has a future, that if they like his work, they will ask him back. It is just the linkage you are talking about. They would never get to meet that youth otherwise.

Ms. Parees:

We do have programs like that, and one I would mention is the program we have with St. Francis Hospital which will be one of our few year-round programs that we are able to fund this year, and hopefully we have chosen wisely and carefully. What it will involve is exactly what you have described, Councilman Cohen, in that ten

young people will work their way through a number of departments at the hospital, and we are talking about medical and technically related departments, not through the kitchen and not through the cleaning services, but actually through radiology, dietetics and through the other areas of the hospital. Through the course of their first year when they enter in the ninth grade, they will have the opportunity to go through all of those, and then to have summer employment. So throughout the year for several hours a week they will have the opportunity to really be an intern at the hospital in the sense that they will job shadow first, and then as they progress through high school our plan is for them to ultimately choose an area that may be of interest to them. These are young people who have expressed an interest in the medical field, and then ultimately to make a selection and to actually have job training in that area.

I am the mother of a child who does not have career direction at this moment in time and I think it would be a wonderful program for him to take part in, so I can't think of a better project.

Mr. Cohen:

That is St. Francis and that is ten youth. That is drop in the bucket. I congratulate St. Francis, I am glad to have them.

Ms. Parees:

That's right. They are to be congratulated.

Mr. Cohen:

But let me ask you this --

Ms. Parees:

I need to congratulate St. Francis, too, in saying that they are taking no administrative money for this program. It is really a great program from every aspect.

Mr. O'Connor:

I am on the board of St. Francis, that is why I was late today, because I had a board meeting at 9:00 o'clock. I appreciate the plug for St. Francis.

Mr. Cohen:

Thank you Bob and St. Francis. How about the other hospitals? What is UPMC doing, what is Shadyside doing, West Penn?

Ms. Parees:

Many of the hospitals, especially around the Bloomfield area because the Bloomfield Garfield Association and Breachmenders in the East End has summer programs with the hospitals. I would say the hospitals have been very receptive to taking young people.

Mr. Cohen:

Does every hospital in the city have a youth program?

Ms. Parees:

I can't speak and say every. I would say probably at some time or another we have had a relationship with every hospital.

Mr. Cohen:

Have we approached everyone? I would suspect having two or three on board, it would be easy to get everybody else on board then, through embarrassment if nothing else.

Ms. Parees:

Let me tell you which ones in a memo, and then any help you can give us in approaching any of the others, we would appreciate it.

Mr. Onorato:

It should also be pointed out that Allegheny General doesn't deal directly with youth, but they have what you are looking for, Councilman Udin, a permanent employment partnership with the North Side, where 20 percent of their 5,000 employees are now North Siders. That is 1,000 North Side jobs. That is a heck of an input.

Ms. Parees:

AGH has a very strong relationship with the Youth Employment Alliance and does take summer youth, as

well.

Mr. Onorato:

On top of that, they also provide low interest mortgages for anyone that would buy a home on the North Side that works for them. They really go above and beyond the call of duty here

Mr. Cohen:

I commend them, too. Are you on the board yet?

Mr. Onorato:

No.

Mr. Cohen:

You should be.

Mr. O'Connor:

To move along with what has been said, I think what Mr. Udin is mentioning and Mr. Cohen and what you are talking about, we had a big hearing here about a year ago. I know Bloomfield Garfield organization was doing alot with — again, some neighborhoods organization have — I think they have three hospitals right there and some industrial businesses. But if this trend is going, this money is going away, whether we like it or not, we can sit here and holler, but it looks like they are scaling it down, it will take couple years maybe to change. Are we ready to be prepared for next year if there is no money, or two years from now? What are we doing as far as a task force to work with business?

I remember about three years ago, the city, there was a problem, they thought there would be riots. There was some youth — I can't remember what stirred it up, but the corporate community matched, I think the city had six or seven hundred thousand, the corporate community matched it. We hired double the kids we were supposed to hire. Unfortunately, we put them on the street, but again, we weren't prepared for supervision, things like that.

Is there any plan for the future? Not only — even if this money was going to stay, I think Mr. Udin said, I really liked what he was saying, the year round youth activities, not just the two month summer hit.

What does a kid do all year round? What are we doing to really long term make the thing work better?

Ms. Parees:

You have heard me mention the Youth Employment Alliance. This organization is in its second year. It was founded or initiated by the city, county, Allegheny Policy Council, the United Way, Pittsburgh Public Schools, the Catholic Diocese and has represented on its board 12 seats for youth serving organizations, members who are elected from the community. It has seats for two businessmen and four youth. So it is a committee that has been functioning very well over the last two years. Their goals are very consistent with all of the things that you have suggested here today. They are working toward school-to-work transition for young people so that we don't have the high focus on summer. They are working toward identifying more out-of-school youth and youth who are just not connected and who don't have the connection that they need to access our federal programs, because you need quite a lot of documentation about who you are, who your family is and what your income is to do that. So they are looking for ways to meet youth who don't fit into those guidelines.

The Youth Employment Appliance this summer has four regional committees that have — you may have heard something about Jump Start meetings that occurred last week in all the communities and all of the regions of Pittsburgh which was an effort by the community groups and the schools and city and county to say, "If you are a young person and you are out there looking for work, please come and talk with us." What we said is if we can't find you a job, and there is a high likelihood we can't, we can begin to talk to you about what it will take to ultimately get you there, the kind of things you mentioned about putting together a resume or getting the skills training that you need to move ahead.

So while that has been a parallel system that has been working and while we've always had — not always, but at least for the 12 years that JTPA has existed, had the luxury of federal funds to induce these programs, this effort, the Youth Employment Alliance, has been working in a parallel structure knowing that we needed more, that we needed a stronger system in addition to the system that was operating. So this certainly highlights the efforts of the Youth Employment Alliance.

The strongest connection that still has yet to

be made is to bring the private sector as a full partner in terms of providing not only opportunity, but ultimately wages for young people. That is certainly our goal.

Mr. O'Connor:

Not to belabor this. Again, it sounds good, it sounds like you are on the right track, but you hit the key on the head: Unless the corporate community, and even small business because small business is the biggest employer, if a person has seven employees, can he hire eight? If there are 2,000 companies in Pittsburgh and they all hire one person, our problems are half solved.

Ms. Parees:

The marking committee of the Youth Employment Alliance met yesterday with the United Way's marketing people to get some ideas from them about how to reach that corporate community.

Mr. O'Connor:

I am sure the Mayor or the Commissioners or somebody could pick up the phone and get the corporate community, whether it be Allegheny Conference or whomever, tied into this quick.

I don't know about my fellow councilmen here, but I didn't know anything about these things. Is there a way to at least make us aware of this? I don't know that we have full time to get active in it, but at some point know what is going on.

Ms. Parees:

I would be happy to keep you updated on the activities of the Youth Employment Alliance. I will make it my responsibility to do that.

Mr. Onorato:

Director, out of the thousands of positions this summer, how many of those youth are going to Public Works, any idea?

Ms. Parees:

Of the 1,000, only 200 are at city work sites, so of the 200 at city work sites, I believe Ralph has --

I want to say somewhere between 57 and 68.

Mr. Onorato:

Where are the other 800?

Ms. Parees:

The 800 are at the 34 youth serving organizations.

Mr. Onorato:

What are they doing there? I heard you say gardens, but what else are they doing?

Ms. Parees:

They are doing community development projects, beautification projects in communities. They are doing career development at the hospitals, in terms of shadowing, job shadowing and internships. I know in the Personnel Department we have an intern who is going to be looking at our tuition reimbursement across the city so we know who is using it, which departments are doing what. The Law Department has three.

Mr. Onorato:

I think there is room for that and that is a positive, but one of my frustrations with the program is that with 1,000 jobs, I always thought that it would be great if we would just flood the Public Works division, because there seems to be this feeling nowadays that it is degrading to have a youth do some manual labor. I bet you everyone at this table has done that when they were young. I know I did and got paid minimum wage, and they are getting paid more than minimum wage.

When I see some of the maintenance problems in my district, what I envision is could you imagine if we had two of these youth adopt every pair of steps in the City of Pittsburgh, keeping them clean all summer of the weeds? Or adopting some of the steps that have a view where the grass is about this high and we have to wait until the machine is shipped over to our division, or whatever the problem might be, just in manpower. This city could look spotless with 1,000 youth running around doing Public Works maintenance.

The other goals are admirable goals, but I am looking at just the everyday problems right now, and I

would love to have -- let's see. What are there, five divisions, six divisions? Divide that into the 1,000 and just have these youth flooding the whole area.

Did we ever think about doing something like that?

Ms. Parees:

I will represent the other side of that opinion. You know there is a very strong opinion that that is not the way a young person should spend their summer, that they should have some career value to their job.

I understand exactly what you are saying, and there is just a debate, it is a two-sided debate that has existed for a long time.

Mr. Onorato:

All these psychologists are destroying the country right now.

Ms. Parees:

The money we receive for the 800 jobs do have some criteria and, in fact, the federal government thinks it is a good idea that young people have some contextual learning. So we are bound to provide that.

Mr. Onorato:

The most important thing about a job is getting up on time, getting to work on time, putting in the eight hours that is required and getting a paycheck and doing what is told of you regardless of what the task is. I understand we want to expose youth to the medical profession, expose them to the professional professions, but at the same time, every one of those doctors, lawyers or psychologists, I guarantee you as a youth they probably had some kinds of laborer job somewhere along the line, going through college or through high school. And I think it is very healthy. I think it would benefit the child and it would benefit the city. I think we should get away from just looking -- obviously, Personnel made a decision that 800 out of 1,000 -- that is a big percentage -- were going toward, "Let's expose them to what the world looks like." I wish the numbers were reversed, that you had 200 doing that and 800 in Public Works.

Ms. Parees:

Does city cable go to Philadelphia?

Mr. Onorato:

No.

Ms. Parees:

Okay, then I am going to tell you about this.

Something came across my desk last week that the City of Philadelphia — and maybe you'd like to sponsor this, Councilman — the City of Philadelphia sent me a letter saying, "In Philadelphia we are having," like, "the City Works Olympics and we want you to send a crew of ten kids to Philadelphia on this weekend in August." And in some football field they have the olympics of pushing brooms and doing things like that. But in the process, they get these crews from all over the state to come to Philadelphia and literally do exactly what you said: They clean up Philadelphia. I said to myself, "Wow, what a great idea to clean up Philadelphia."

Mr. Onorato:

Maybe we can send our crew to plant a garden.

Mr. Cohen:

I hope we are not participating in that, sending our people to clean up Philadelphia. They should send people here to clean up our streets since they get all the money from Harrisburg, anyway.

Mr. Onorato:

I still have a few other questions and then I will go around the table again.

I would hope that you just look into that possibly for next year, maybe a little better balance. I don't perceive it as being degrading. I think it is very healthy. I think that the money that we are paying is pretty good money.

The other suggestion I had for Personnel, we talk about the hospitals and big corporations, but one thing that disturbs me is if you go around the city you will see help wanted signs, and they are minimum wage jobs in all the fast food stores and some of the retail

stores. If we could somehow coordinate through our Personnel so these stores know just to call one number, it would be your department, and that you are training these youth how to work the cash register, how to get into management training for fast food, how to do those jobs, so that we can place our youth into these jobs. Because the federal dollars are drying up, they will not be here much longer or they will at least be significantly reduced. There is a lot of the private sector money sitting out waiting for jobs.

Once again, I don't perceive working at a fast food chain degrading for somebody that is in high school; it is good training, learning how to be there on time, getting a paycheck, and it goes beyond summer, they can coordinate with their schedule and work at night, they can make some money if they are going to move on beyond high school. There are a lot of benefits to it. But I think there is a big gap between what they need, the businesses, and what we are providing through youth, and I think it is a communication gap; no one one is pulling the two sides together. I think that would be an opportunity here with the federal dollars drying up to tap into the private sector and be ready to place our city youth into these jobs.

Are we doing anything right now on that type of idea dealing with the fast food chains, retails Downtown and even in the suburban areas? How do we get them to the North Hills and to the East End, get our youth out there to works these jobs? Are we doing anything like that?

Ms. Parees:

Certainly we are always looking at opportunities. We have not been able to spend federal dollars on that kind of activity because the federal government would say, "You didn't need any training or help to get that job at McDonald's, so I shouldn't be assisting in that way."

Mr. Onorato:

Back up. They will say you didn't get any training?

Ms. Parees:

That you wouldn't need training to go to work at McDonalds.

Mr. Onorato:

What if you would argue that we have youth who have no clue what a cash register is and how it is to balance at the end of the day and you train them to do that? Could that count as training for that job?

Ms. Parees:

I think it could if it resulted in a job.

Mr. Onorato:

We are assuming that every one is coming out of the city with the same knowledge. I bet there are some youth who have no clue even how to turn a register on, not because they are dumb; they have never seen it or experienced it. If we can train them, they would be ready to take these jobs. I think we would have a great service to our youth and provide an employment opportunity and use the dollars to train them. The best part about it is you won't have to pay for the wages, because the private sector is going to pick that up.

Ms. Parees:

We will need you in our marketing campaign, too, because that job exists and there are a large number of young people who don't choose to access that because of a belief that that is not where they want to work.

Mr. Onorato:

A couple weeks ago walking around, I couldn't believe the number of help wanted signs in the windows. I am sure they are $4.75, but still, I would love to get these kids down there to at least start. We are talking 16, 17, 18 year old kids.

Ms. Parees:

We will have a brain storming session and invite you to come.

Mr. Onorato:

Thank you. Councilman Udin.

Mr. Udin:

I think that is the reason why earlier I spoke

about the need for a comprehensive strategy and a comprehensive assessment of what the needs are. There may very well be some people, either youth or adults, who for them at this point in time in their life a position in Public Works or something like that is what they need to ground them in the work world habits, et cetera. But in terms of the long-term view, what is necessary I think is for us to understand where is the Pittsburgh economy headed, what are the industries and the employment needs for the next ten years.

I was pleased to hear the discussion about the health careers placements, because in the Pittsburgh economy, health careers is one of the growing industries. There are other growing industries, and I would hope that our strategy for recruiting participants in the employment strategy parallels where the jobs are going. We can't just be placing people in positions that are not going anywhere in the next ten years. We need to track the economic development trend within the city and place our people in those permanent positions; skate to where the puck will be, rather than chasing the puck, is the way the game is played, I believe.

Mr. Onorato:

Any other discussion? Councilman Hertzberg.

Mr. Hertzberg:

Councilman Onorato, I kind of echo your views on the issue of summer employment. I think there are kind of two directions that you see. You should be taking both directions, I think. I think you have the direction of the career-oriented person, the kind of work they are doing may end up being that career. Then you have the others, which I think might make up the larger part, that they are just there to make some money over the summer.

I worked as a janitor in the summer, a maintenance person, lifeguard, a bartender. You know, and I did all those different things to make money. I will tell you, the experience doing all that wasn't bad experience, either, in everything else that I have done afterward.

There was an excellent piece in the Tribune Review by one of their columnists, I don't know if you got a chance to see it, about our parks and the decline of the maintenance in the parks in the city this year. And you know, if we have all these summer youth we are

going to hire, why not just hire some of them and adopt a park kind of approach to the summer employment, also? So there are a lot of ways to see the issue.

Mr. Onorato:

Finally, Director — that is one of the prerogatives of having the gavel; I can have the last word — I agree with what everyone said today. Just to elaborate on Councilman Udin's point, that even if you shift the way I want to go and go more Public Works manual labor, clean up the city, some of this burden has to be in cooperation with the school district. I would hope that they are training for the market that Councilman Udin is expressing, and that is, where is the city going, through either a magnet program or just the general curriculum, that these children are coming out of school in the 12th grade ready for the health jobs. They have a bigger budget than we do and let's hope that there is some coordination here.

Is there any coordination with the school?

Ms. Parees:

Yes. The schools have a School To Work highly functioning committee. I sit on that committee, as do many other people. But we are very much and very diligent at this moment in time looking at all the issues you just raised and are trying to be able to skate to where the puck is and not follow it around. You are absolutely right about that.

Mr. O'Connor:

Can I give you the last word?

Mr. Onorato:

Go head, Councilman O'Connor.

Mr. O'Connor:

Since you were talking about fast food, that used to be my business. I spent some time with the school districts and they are very cooperative. At one time we put Coke and Pepsi machines in so they would know how to work them. Registers, most of the registers are computers, by the way. Fast food right now, when you order food, all the change is all on a computer. You even call the orders in by phone and they have them on computer. So there are a lot of elaborate things

happening there.

But one of the biggest stumbling blocks we had was -- and you can go back to Jimmy Carter saying, "We don't want hamburger flipping jobs," which I took as a big insult at one time when I was working in that business. That is an attitude that a lot of youth have. They just don't want to start there, and I think somehow we have to change that where, okay, it may be the minor leagues, but you at least have a start there, whether it is cutting grass, working fast food. When I usually talk at groups, most people don't realize a fast food manager makes about 30,000 a year, district managers make 40 to 50 with a company car, and the most successful are people with one year of college or worked there through high school or college and have moved their way up. But somehow when you are starting out and you are 16, 17 years old, you can't see five, eight years down the road. I know when I got out of high school and we went to the steel mill, we didn't like it, either, but we were there for X amount of years and a lot of people made careers out of it.

So it is kind of a tough step. The school district is I think on the right track and willing to work with you.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MS. McDONALD & MR. COHEN'S REMARKS ON BILL NO. 1964)
(Wednesday, June 21, 1995)

Ms. McDonald:

We have in our audience, the reason I had asked for this to be discussed now, is the attorney for the developers, Mr. David Toal.

This was an issue of a controversy some years ago, because it ended up in court and it ended up at the Pennsylvania Supreme Court level. The Pennsylvania Supreme Court, as you will see by the handouts that I have given to you, they denied a petition for review. Some residents felt that it should have been strictly commercial, mercantile, office use. But right now I ask my colleagues to please support this.

Where we are at is this: If the developer does not get approval, this developer is not able to apply by June 30th for some type of special funding. If the developer does not get funding now, they have to wait until December and, of course, the way the federal government budget cutting is going, they may not have any money to spend. So what we are faced with is possibly having a huge vacant building smack in the middle of East Liberty. This is not needed.

In the back you will see some of the schematics and layouts. This is going to be very brief. This is the Highland Building in East Liberty and you can see some of the architecture. It mimics the Frick Building here Downtown. I am not sure if it was the same architect or what.

Mr. Udin:

It is.

Ms. McDonald:

Okay. But you can see it is a beautiful building. It will be used for senior citizens. It will be privately owned and, therefore, I think more successful as far as maintenance and the beauty of it.

The first floor is the compromise. The first floor will be for commercial use. It is just the upper floors that will be for housing.

Again, not to belabor the point, but right now we are faced if we do not move this today, we will be

stuck with a vacant building, because no one else has yet come forward with a vision and the moneys and all the technical expertise to develop this according to what a few residents would like to see it as.

So right now we have a bona fide developer. I urge you, let's get this going. Thank you.

(Deleted text.)

Mr. Cohen:

Thank you. I agree with my colleagues. I think that we have to go forward with this. This is no time to turn back on something that we have supported in the past. "Torturous" is the right word; I mean, it has just has taken forever, even from the time that Council approved this to try to get this thing up and running. But part of the problem was there was a lawsuit, and they had the right to do it, but they tried to take it to the highest court in the land, the United States Supreme Court, so that took a heck of a long time.

I know that there are a number of people who would like to see other uses for this building, perhaps commercial uses throughout the building, not just on the first floor, but my recollection at least is the owners tried to get a commercial use for years, I don't know how many years, but for years, and there were no buyers. So this is a good use. We should moved forward with it.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILL NO. 2115, WEDNESDAY, JUNE 21, 1995)

Mr. Hertzberg:

Early last year I made a request that you look into the Crane Village situation. There's a street there and there was a question over whether it was our street or whether it was the owner's street and not a public street and as far as I know it has been determined that a part of it was a public street and yet it hasn't received any street lighting and that's why this bill is in front of us and I was hopeful that it would include that street lighting that's been requested over the past couple of years.

Mr. Kraszewski:

At first glance when we investigated this it looked like it was all private similar to all the other types of apartment developments throughout the city. However,a more in-depth records research indicates that that is City of Pittsburgh part that street anyway. The cost to do the street lighting is about $40,000.00 and we don't have it in our budget now. The bills here before us are all of the nature to allow the existing contracts to operate on the smaller items. We're trying to see if we can find funding for that project because if it holds up to the legal scrutiny that it is our then we will need to replace those lights because they are old and in need of maintenance right now.

Mr. Hertzberg:

As far as I know there are no lights.

Mr. Kraszewski:

There are lights and they are private installed and the wiring is bad now. The investigation that I did, unless you're talking about a portion of it that I'm not considering.

Mr. Hertzberg:

As long as we agree that it needs to be done because that's a very heavily populated development that's served by that street.

Mr. Kraszewski:

If the legal end stays the way it is now that it's the City's, we'll be trying to secure funding to do that.

Mr. Hertzberg:

Thank you. I will voting for the bills.

The Chair:

All in favor? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(MR. HERTZBERG'S COMMENTS ON BILL NO. 2149)
(Wednesday, June 21, 1995)

Mr. Hertzberg:

Thank you, Mr. Chairman. When the city agreed to lease the Neville ice facility to Neville Ice Arena, Inc., we were able through the efforts of Councilman Ricciardi and some our city officials to include a provision that would require Neville Ice Arena, Inc., the company that now is the tenant and leases the rink, required them to at their own expense equip and provide instruction and everything necessary for 17 city youth. And we now need to designate, the city has to designate, who those 17 lucky young people will be. That is what this particular bill is about.

Some of the highlights of the bill would be that these individuals, of course, would have to be residents of the city, these 17 people. I have specified the age as between 6 and 9 years of age, and I believe that this should comply with a specific ongoing league, and it being kind of the earliest years of this particular segment of the ice hockey league. So that we would have individuals in there in their first years playing hockey, get involved in this team and perhaps go on from there once they get the benefit of this instruction and equipment and everything else. And the third criteria for membership would be the financial inability to pay for one of the regular teams for membership, including equipment and everything else. So we are looking for young kids that want to play that can't afford to play. I think that is what this particular provision was all about in the lease.

Another item in here is limited experience or no experience playing ice hockey. We want someone that wants to play that doesn't know how to play yet and can get a complete scholarship, so to speak, to learn and play ice hockey.

Finally, proportionate representation from throughout the city. I think we all want to see someone from our Council district get involved in this program. I know there are people in my district that would qualify and throughout the city.

I think Mr. Legger is here to discuss it with us, our Assistant Director of Parks and Recreation.

(Deleted text.)

Mr. Legger:

This bill is overdue and it is a good idea. There is one provision in the full bill as written for the Mayor to establish a commission to appoint the 17 members of the team. I would respectfully request that we try to find a way to alter the language so that it is the Director of Parks and Recreation that establishes a selection committee, rather than have the Mayor assume the burden of selecting 17 untrained, uncompetitive young people out of a pool of 1,000. I think that would work better.

Mr. Hertzberg:

I have no problem with that, as long as it in practice works. If it doesn't, we will bring something back to the table. I will be happy to, unless someone has a problem.

The Chair:

Do you want to make a verbal amendment?

Mr. Hertzberg:

I will make the amendment. It is more involved than I could do verbally. I will submit something on Tuesday to amend by substitution to make those provisions, unless someone else on Council has an argument why we should do that. I think if it turns out to be a problem making those changes, that we will bring it back to the way it is now.

Mr. Legger:

The committee membership could still be approved by Council as the bill recommends, so there is no problem with that.

(Deleted text.)

Mr. Hertzberg:

Just to not go a hair off the center point, which is there are some other leases that we have with facilities like the Zoo and Phipps that contain kind of similar clauses like this one that require the operator to provide something for the benefit of residents of the city.

How about the other ones? I know the Zoo,

Phipps.

Mr. Legger:

The golf course, the Zoo, Phipps, and I don't think the Aviary has one, but the others certainly do have what I call the social responsibility provisions in them that require that people who are unable to pay be provided with some services and that educational programs be available to youth in the city and that some free time be available to city residents.

There are some reasons why we did not immediately go out and enforce those, and they are mainly that some of those institutions are still staffing those programs. Now that Phipps has hired a Director of Education, it is time for us to go back and have an annual plan submitted by each of the institutions covered by a lease to tell us how they are complying with those provisions, too. The provisions are very general in the lease, so we should specify them with a plan.

Mr. Hertzberg:

Now that they are all up and running, we are going to start making sure these things are done?

Mr. Legger:

Right. Hopefully without a commission.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. HERTZBERG'S COMMENTS ON BILL NO. 2106)
(Wednesday, June 21, 1995)

Mr. Hertzberg:

This is the infamous Walbridge Street located in the West End/Elliott area of the City of Pittsburgh. In fact, unbeknownst to some people, when we were going on a site tour of Parkway Center Mall, I also took them on a site tour of Walbridge Street. Unfortunately, President Perlo was in his personal vehicle and turned around halfway up the road because I don't think he wanted to damage the vehicle any further.

This has been an item that has been in the capital budget every year for an extensive amount of time. Director, I just want to be sure it is not an optical illusion. No, really, I am really thankful we finally managed to actually get it on the table and get it rolling.

Mr. Reginella:

I assure you it is not an optical illusion. As you stated, this matter has been been on the agenda for to us do for a number of years. For whatever reasons with the engineering requirements and also the lack of funding, it had been deferred time and again. But this time it is for real. We are going to move forward with it.

We are planning to advertise during the month of July as soon as the legislation is approved, hopefully, with a bid opening in August. Construction ought to begin in late September, early October. The duration of the project will be 18 months at a cost of approximately a million and a half, including some -- of course, the street replacement totally, curb, sidewalks, there is also some water and sewer line work to be done on behalf of the Water and Sewer Authority at a cost of approximately $700,000.00. This is all city money except for the reimbursement we expect from the Water and Sewer Authority. We have some walls to do also in conjunction also with the street reconstruction.

It is a project long overdue, as you stated, so we are going to move forward with it.

Mr. Hertzberg:

The cobblestone, or the technical term I guess is something different.

Mr. Reginella:

Block stone is what we refer to it as technically.

Mr. Hertzberg:

That will be replaced by concrete?

Mr. Reginella:

It will be reinforced concrete payment.

Mr. Hertzberg:

What do we do for material we remove?

Mr. Reginella:

The block stone is turned over to the Department of Public Works for storage at one of their yards to be reused as needed in the future.

Mr. Hertzberg:

Okay. I have no other questions. I am just very joyful.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Thursday, July 6, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. O'Connor

The Chair:

Good morning everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young man here today from Councilman Dan Cohen's District, the 8th District, his name is Joey Trovato; he is 13 years old, he goes to the Day School at the Rehabilitation Institute in Squirrel Hill, and his mom is here, Darlene, and Colleen Joyce is also here, she is a staff member out at the Rehab Institute. And, we want to thank you all for coming down here today. And, Joey is going to lead us in the Pledge of Allegiance. Joseph.

Joey Trovato:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you all. Thank you, Joey, we appreciate you coming down, especially giving this summer day; our City Clerk would like to present you with the flag of our great nation and the flag of our City. We want to thank you and your mom and your teacher for coming down here today.

PRESENTATIONS

The Chair:

We have a number of guests out in the audience today, and at this time I

would like to call on Councilman Alan Hertzberg.

Mr. Hertzberg:

Mr. Don Brown from Martin Media. And, this is actually a resolution that is co-sponsored by all Councilmembers, and you are welcome to join me up front or remain seated.

Martin Media, I think we are all familiar with them, they are in the billboard business and what has come to my attention from them recently is a proposal to start a Graffiti Hotline, to kind of work like Crime Stoppers works now, and they propose to donate billboards which say, you know, you see people putting graffiti, call this hotline number, and it will be right there on billboards around the City, so if somebody, in fact, does see it -- it would be perfect for someone in a car phone, they could -- there's the number right there, it would not even take great mental presence or memory or anything like that, and all we need is the phone number. So, we are hoping that the Mayor and the Deputy Mayor can get Martin Media a phone number and we can get this thing operating. I do not know of anybody on City Council that supports the proliferation of graffiti; I know Council President Ferlo has been very active in his efforts to try to deter the spread of graffiti and I certainly am.

And, I am going to read this resolution, then I am going to ask Mr. Brown to make some comments.

MR. HERTZBERG PRESENTS

No. 2210 WHEREAS, the defacing of structures and buildings with graffiti is a problem in the City of Pittsburgh; and,

WHEREAS, Martin Media of 2610 Fifth Avenue in the City of Pittsburgh is a company that erects and rents billboards for advertising purposes; and,

WHEREAS, Martin Media has provided extensive billboard discounts for community organizations and charitable programs, including the City of Pittsburgh's "Be a Sport" Program, and Martin Media has also donated landscaping materials that beautify vacant lots that it owns in the City of Pittsburgh; and,

WHEREAS, Martin Media has volunteered its resources to the City of Pittsburgh to fight the proliferation of graffiti; and,

WHEREAS, Martin Media is prepared to donate billboards announcing potential rewards from the City's Graffiti Reward Trust Fund and a hotline for reporting suspects once the City of Pittsburgh establishes the hotline; and,

WHEREAS, Martin Media and Members of Pittsburgh City Council have asked the Mayor to set up the hotline; and,

WHEREAS, Martin Media is also fighting against the spread of graffiti by assisting City neighborhood organizations with its equipment and labor for the actual work of removing graffiti.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh recognizes and commends Martin Media for all of its charitable

donations including Martin Media's efforts to fight the spread of graffiti; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh respectfully requests that the Mayor take the necessary steps to establish a Graffiti hotline.

SPONSORED BY COUNCILMEMBERS ALAN HERTZBERG, DAN COHEN, JOE CUSICK, JIM FERLO, VALERIE McDONALD, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND SALA UDIN.

MR. HERTZBERG moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Thank you. Mr. Brown.

Mr. Brown:

Thank you very much. Thank you, Councilman Hertzberg.

We at Martin Media do serve about 110 to 130 different advertisers on a public service basis, and I personally have gotten a lot of satisfaction out of helping those people that are in the business of helping people. The billboard business normally does do this throughout the country. We have one program called "Tell It Like It Is" that we are actually using Martin in Kansas City, Martin in Pittsburgh, Martin in Scranton, and this is a contest where students design their own anti-drug or alcohol abuse billboards and they are judged, and 12 posters are going up in this market.

Unique to Pittsburgh -- and, by the way, Barry Heffner regrets that he cannot be here, he has firm vacation plans, that he just could not make it, but this was his idea to do the graffiti program, which is unique to Pittsburgh.

Another unique program is our minority and women-owned program for new businesses, and that program we offer right now boards on a public service rate. There are times when we have had partners, such as Integra Bank that have picked up some of the cost and sometimes it is totally free.

So, those two are unique. But, again, thank you very much for your resolution; I hope we get it together with the graffiti program.

The Chair:

Thank you, Don. Hold on just a minute there, Don. Councilman Udin.

Mr. Udin:

Yes, I just want to take this opportunity to thank Councilman Hertzberg for the resolution honoring Martin Media; they have been very active in throughout the communities of Pittsburgh in promoting non-profit efforts like minority businesses and the B.P.E.P. advertisement encouraging people to register and vote, and I really thank Martin Media for all the non-profit community service work that it is doing; I think you are setting a good example for other businesses in the community to make their

services available on a non-profit basis. Thank you.

Mr. Brown:

Thank you, Councilman.

The Chair:

Again, I would like to stress that we need to send the resolution off to the Mayor and his Administration. I know it has been over two months since I sent the letter to the Mayor asking specifically, and to the Chief of Police, asking for the hotline number. What is needed at this point is a specific number in the Police Bureau that the individuals can call. I think we have made a lot of progress around graffiti vandalism around the City, this Council has given a number of rewards out, many of the communities have improved. I know the Housing Authority for the last year has made a significant improvement there, Director Lowe; I know Gil Martinez, who coordinates the anti-graffiti removal there at the Public Housing communities has been making a big dent, and City-wide I think we see more property owners and neighborhood groups working on graffiti. But, I will pick an example. I know Public Works spent a lot of time repainting one portion of the Bloomfield Bridge, and now, just three days later, it has already begun, in another week it will be completely filled up again with graffiti. So, we have a few hot spots, and I think the billboard idea is a unique idea, and I want to thank Barry personally for his leadership on this. But, I think it can be a big contribution to locating and identifying graffiti vandals and especially given the fact that some of these boards will be located right near some of the graffiti prone areas.

So, I want to thank Martin Media, but I would hope that the Administration – that is all we are asking for is the hotline number in the Police Bureau, and I would also ask that the billboard highlight the reward system that we have also in place. And, I want to thank Councilman Hertzberg for bringing you and Martin Media in today. Thank you very, very much. Thank you.

I also want to note, and I think many of us know Don from his advocacy on the part of the billboard industry, but Don also is very active as a community person with the Vintage Grand Prix, he spends countless hours donating his time with this tremendous event, which is just going to happen in a few weeks, and we want to note and thank Don Brown also for his Vintage Grand Prix activities.

At this time I would like to call on Councilwoman Valerie McDonald, who I believe has a number of resolutions to be read into the record.

Ms. McDonald:

Mr. President.

The Chair:

Thank you, Councilwoman.

MS. McDONALD PRESENTS

No. 2211 WHEREAS, Carlow College, of Pittsburgh, Pennsylvania, has been awarded a Fulbright-Hays Group Project Grant through the United States Department of Education to provide

university, college, and public school educators an opportunity to study the cultures in Botswana and Namibia for the purpose of developing and revising curriculum materials; and,

WHEREAS, the University of Namibia was created by an Act of Parliament on August 31, 1992 as recommended by a Commission on Higher Education. The University of Namibia is designed to meet national human resource requirements through teachings based on development priorities and appropriate applied research;

WHEREAS, together Carlow College and the University of Namibia will exchange cultural ideas. Educators from Pittsburgh are indeed honored to be participants in this educational experience.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Fulbright-Hays Group Project Grant for allowing Pittsburgh Educators the opportunity to travel to Africa to learn of their culture and to share ours with Africa.

MS. McDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2212 WHEREAS, Carlow College, of Pittsburgh, Pennsylvania, has been awarded a Fulbright-Hays Group Project Grant through the United States Department of Education to provide university, college, and public school educators an opportunity to study the cultures in Botswana and Namibia for the purpose of developing and revising curriculum materials; and,

WHEREAS, under Vice Chancellor, Thomas Tlou, who has been with the University of Botswana since 1984, the university has become one of the most prestigious Universities in Africa; and,

WHEREAS, together Carlow College and the University of Botswana will exchange cultural ideas. Educators from Pittsburgh are indeed honored to be able to share in this educational experience.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Fulbright-Hays Group Project Grant for allowing Pittsburgh Educators the opportunity to travel to Africa to learn of their culture and to share ours with Africa.

MS. McDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2213 WHEREAS, The Center for Global Education, which was founded in 1982, is committed to education which helps expand their world view and deepen their understanding of international issues; and,

WHEREAS, The Center for Global Education is a program of Augsburg College in a response to concerns within

the Lutheran Church for developing international awareness; and,

WHEREAS, Pittsburgh educators are proud to work with The Center for Global Education to develop better communications between the two nations educational system.

NOW, THEREFORE, BE IT RESOLVED that the City of Pittsburgh recognizes The Center for Global Education for expanding their horizons to educate students of all cultures.

MS. McDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. That concludes our Read and Adopted, unless anyone else has anything to bring to the floor.

Hearing none, we will move to Presentation of Papers.

MR. ONORATO PRESENTED

No. 2214 Resolution providing for the issuance of a $2,758.26 warrant in favor of Bell of Pennsylvania for property damage by a City vehicle, chargeable to and payable from Code Account 46, Judgments.

Also,

No. 2215 Resolution authorizing and directing the Director of Finance and the City Controller to open an account or accounts with Mellon Financial Market, Inc., for the investment of City funds.

Which were read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2216 Resolution providing for a contract or contracts, or the use of existing contracts, for street resurfacing programs such as ultra thin hot mix asphalt, hot mix asphalt, crack sealing, micro surfacing, sawing and sealing, nova chip, flexible pavement, asphalt milling and truck rental, at a cost not to exceed One Million Six Hundred Eight-Seven Thousand Eight Hundred Ninety ($1,687,890.00) Dollars, chargeable to and payable from Code Account 3-01-01-0001-95, Citywide Resurfacing Program.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda today.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2217 Resolution granting unto Richard and Lynn Pilarski, 8 German Square, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense a driveway and parking area on a portion of the right-of-way on German Square in the

17th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 2218 Resolution granting unto United Steelworkers Building Fund, 60 Boulevard of the Allies, Five Gateway Center, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense a concrete handicap ramp on a portion of the right-of-way on Stanwix Street in the 1st Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2219 Resolution amending Resolution No. 668, approved July 9, 1990, entitled, "Providing for implementation of a Residential Parking Permit Program (RPPP), Area "R", in the Bloomfield community pursuant to Pittsburgh Code Chapter 549.

Also,

No. 2220 Resolution amending Resolution No. 95, approved February 21, 1994, Resolution No. 854, approved January 28, 1985, Resolution No. 829, approved September 22, 1986, and Resolution No. 489, approved June 8, 1989, entitled, "Providing for implementation of Residential Parking Permit Program in portions of Bloomfield community pursuant to Pittsburgh Code, so as to amend the streets included in Area "H"."

Also,

No. 2221 Resolution renewing Resolution No. 556, approved by City Council on August 3, 1994 and effective August 4, 1994, authorizing the National Council of Senior Citizens/USA Housing Development Corporation to construct a four-story structure with 42 units of housing for the elderly and 1 unit for a resident manager, on property located at 3710 Brighton Road, with parking to accommodate 13 automobiles, on property zoned "RP", Residential Planned Unit Development District, 27th Ward.— **(COUNCIL DISTRICT NO. 1)**

Which were severally read and referred to the Committee on Planning, Zoning and Land Use.

THE CHAIR PRESENTED

No. 2222 An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 180, Personnel Administration, Section 180.01, Definitions, Subsections 180.01(a)(3) and 180.01(a)(4), by adding certain "Non-career service" positions in the City Clerk's Office and the City Controller's Office, and eliminating certain positions within the City Clerk's Office to reflect actual operations.— **(SPONSORED BY MR. FERLO)**

Also,

No. 2223 Communication from Tom Murphy, Mayor, City of Pittsburgh, requesting approval for Eddie Shaw (a non-City employee), appointed Chairperson of the Mayor's Shade Tree Commission, to travel to Cincinnati, Ohio, on July 10-11, 1995, to tour the

Department of Urban Forestry. Total cost not to exceed $225.00, chargeable to and payable from Code Account 1017-1, Education and Training, Mayor's Office.

Which were read and referred to the Committee on Finance and Budget.

The Chair:

Could we get a motion to waive Rule 8 on these two bills, one being some changes that we already made in the budget, we need to clarify, the second is a travel request which is supposed to happen in a couple of days, so --

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda today.

MR. RICCIARDI seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

I do want to point out, on this resolution regarding the Shade Tree, there is no such thing as the Shade Tree Commission. If we have a commission, which is a unit of government, in the City of Pittsburgh, it must go through an amendment to the City Code, an ordinance must be adopted. I do not believe we have ever done that. I am all for a Shade Tree Commission, but we have not done that. So, when the bill comes up, if we could just maybe refer to it as a Committee of the Mayor, that is fine, but we do not have a commission. A commission is something that this Legislative body helps to create. I am all for a Shade Tree Commission. I certainly think this Council would like to have some input on the composition of that commission because we also care about trees.

In any event, I do want to clarify that before the bill comes to the table this afternoon. Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, on that topic of the Shade Tree Commission, I was kind of miffed by that myself, considering that Carnegie Mellon University did a pretty extensive study on the topic, and one of the recommendations was that we establish a Shade Tree Commission. I am kind of trying to figure out what is going on here. Apparently there was one at one point in time, now I do not know whether - -

The Chair:

In 1912 there was a Shade Tree Commission.

Mr. Hertzberg:

I do not know whether it is still authorized under that legislation or not --

The Chair:

I do not know. It may very well be, and I will stand corrected. But, I think the issue is, we need an active commission working on the whole issue of urban

forestry, and I think a number of us certainly on this Council have been active on the issue and there is a lot of community interest, and I would hope that we truly could have a commission that would reflect some broad input, not only the talent from CMU, which was demonstrated in their own study, but we have some in-house personnel in our own department at Parks, Dale, in particular, Mr. Vezzetti, and others, who have a lot of expertise, and I would like to see us actually renew a Tree Commission in this City, but I think we need to sit down and talk about it.

In any event, I think we should encourage the Mayor's work in this respect. And, this gentleman has expertise and spent a lot of time, and if he needs to go to some conference, I personally do not have a big problem with it, but I just would like to see the reference clarified regarding the actual commission, and if there is old legislation from 1912. Because there was a Shade Tree Commission at the turn of the century that was responsible for many of the trees along the Oakland part of the City, beautification movement at the turn of the century in Oakland was done, many of the large trees that we see in Squirrel Hill, Highland Park, parts of the North Side, were actually the work of a philanthropic City commission, referred to then as the Shade Tree Commission. I know that only because I did a lot of research on the Syria Mosque battle and the Oakland Historic District.

But, in any event, that discussion will come up this afternoon. Any other discussion on these points? The bills will be up this afternoon and we would like to ask the Administration to be present to discuss the Shade Tree Commission, or the Tree Commission.

That concludes our reports for Presentations. Are there any matters to be brought before the body under Unfinished Business or Reports of Special Committees?

Hearing none, we will move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Councilman Onorato. The initial bill that will be read received a negative recommendation and we will take that one first, Bill 2163.

MR. ONORATO PRESENTED

Bill No. 2224

Report of the Committee on Finance and Budget for June 28, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2163

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $13,000 to Mary Clark Curry, c/o Mary E. Milsop, Esquire, her attorney, One Oxford Centre, 36th Floor, 301 Grant Street, Pittsburgh, PA 15219, in full and final settlement of a trip and fall accident that occurred on the sidewalk in front to 2200 Centre Avenue, allegedly resulting from disrepair, on or about June 2, 1981."--**(NEGATIVE RECOMMENDATION)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? There was a request for some information. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Yes, I abstained from voting on this bill in the preliminary vote and requested some legal authority for the Solicitor's position on that, particularly I asked for the Court decisions, which provide that the City is secondarily liability, and I have not received those to review those, and based on that, I am going to make a motion to recommit this bill.

The Chair:

There is a motion to recommit. Is there a second.

MS. McDONALD seconded the motion.

The Chair:

Any other discussion? I would also like to ask for some research. I have been here seven and a half years, I have never voted on this type of legislation, and it just seems like an anomaly, all of a sudden, that this one bill has come up, and I would still like some additional background information regarding previous claims.

All in favor of the recommittal?

WHICH MOTION PREVAILED.

The Chair:

Motion carries. The bill stands recommitted. On the remaining bills.

Also, with an affirmative recommendation,

Bill No. 2143

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pittsburgh Restoration Services in the amount of $1,104.33 in payment of emergency repairs to the Flagstone Paving at the Riverview Time Capsule; charging the same to Code Account 3-13-74-0002-94."

Which was read.

Also,

Bill No. 2158

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $5,000.00 to Bruce H. Gelman, Esquire, Gelman & Reisman, Suite 1701 Law & Finance Building, Pittsburgh, PA

15219, in full and final settlement of the age discrimination claim of James Deighan."

Which was read.

Also,

Bill No. 2159

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $3,123.40 to Billie Jean Smith, c/o Emilio P. Fastuca, Esquire, her attorney, 429 Forbes Avenue, Pittsburgh, PA 15219, in full and final settlement of an alleged slip and fall that occurred on the steps between Natchez Street and Maple Terrace Street leading to Belonda Street in the City of Pittsburgh on or about January 27, 1992."

Which was read.

Also,

Bill No. 2160

A Resolution entitled, "Resolution providing for the issuance of a $1,614.96 warrant in favor of Duquesne Light Company for property damage incurred by a City refuse vehicle, charging same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 2161

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $27,500.00 to Edmund Rafalko and Jacqueline Rafalko, his wife, c/o William A. Weiler, Sr., Esquire, Weiler & Weiler, 4762 Liberty Avenue, Pittsburgh, PA 15224, in full and final settlement of alleged personal injuries regarding an accident occurring on the Pittsburgh Zoo Moving Walkway, on or about April 17, 1992."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Onorato.

Mr. Onorato:

Yes, on Bill 2161, I voted yes. This is the bill regarding the claim, alleged personal injury for the Moving Walkway at the Zoo. I will be changing my vote today and voting no, just being consistent with my "no" vote on the slip and fall on the sidewalk. After reviewing it further, I cannot support the settlement because I am not sure where the City was at fault and I have a hard time with it.

Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	

AYES 5 NOES 3

VOTING NO:

Mr. Cohen Mr. Ferlo
Mr. Onorato (Pres't)

And there not being a sufficient number of majority votes of Council being in the affirmative, the bill was tabled.

Also,

Bill No. 2162

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $75,000.00 to David R. Crider, c/o James E. DePasquale, Esquire, his attorney, 930 Grant Building, Pittsburgh, PA 15219, in full and final settlement of an accident that occurred at the intersection of Windgap Avenue and Summerdale Street, allegedly resulting from improper signage and overgrown foliage, on or about July 23, 1993."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

I ask that my comments be brought forward on Bill No. 2162.

(REMARKS - SEE ADDENDUM)

The Chair:

Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick Mr. Onorato
Mr. Hertzberg Mr. Ricciardi
Ms. McDonald Mr. Udin

AYES 6 NOES 2

VOTING NO:

Mr. Cohen Mr. Ferlo
(Pres't)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2164

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $5,000 to Richard Albanese, c/o Glen D. Dolfi, Esquire, his attorney, 4762 Liberty Avenue, Pittsburgh, PA 15224, in full and final settlement of an accident that occurred at the intersection of Coral and Stafford Streets, allegedly resulting from a police wagon traveling through a stop sign without lights or sirens, on or about July 13, 1991."
Which was read.

Also,

Bill No. 2165

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $20,000 to the Estate of William Cousins, c/o Glen D. Dolfi, Esquire, his attorney, 4762 Liberty Avenue, Pittsburgh, PA 15224, in full and final settlement of an accident that occurred at the intersection of Coral and Stafford Streets, allegedly resulting from a police wagon traveling through a stop sign without lights or sirens, on or about July 13, 1991."

Which was read.

Also,

Bill No. 2166

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $5,000 to Robert Perry, c/o Eric Solomon, Esquire, his attorney, Carb & Solomon, 1304 Fifth Avenue, Suite 100, Pittsburgh, PA 15219, in full and final settlement of an accident that occurred on Carson Street, allegedly resulting when Plaintiff's car hit a patch of ice caused by water from overhead construction work and lost control of the vehicle, on or about February 2, 1992."

Which was read.

Also,

Bill No. 2167

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $7,000 to Laurie Schafer, c/o James B. Cole, Esquire, her attorney, 2100 Law & Finance Building, Pittsburgh, PA 15219, in full and final settlement of an accident that occurred at the Grandview Park, allegedly resulting from a broken swing set, on or about March 3, 1990."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2168

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having

been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/NeighborFair Sideyard Program."

Which was read.

Also,

Bill No. 2191

A Resolution entitled, "Resolution transferring the amount of $1,000.00 from Code Account 1103 Miscellaneous Services, Department of City Planning, to Code Account 1805 Miscellaneous Services, Department of Parks and Recreation. **(SPONSORED BY MR. O'CONNOR).**"

Which was read.

Also,

Bill No. 2194

A Resolution entitled, "Resolution further amending Resolution No. 973, effective January 1, 1995, entitled, "Resolution adopting and approving the 1995 Capital Budget" is hereby amended by increasing line item 474 Financial Information Systems, City Information Systems, by $1,900,000.00 from $700,000.00 to $2,600,000.00. **(The $1.9 million will be used to acquire city-wide financial software, maintenance and training).**"

Which was read

Also,

Bill No. 2195

A Resolution entitled, "Resolution providing for the advertisement for proposals and to award and enter into an agreement and/or contract or use existing agreements and/or contracts in connection with the acquisition, maintenance, implementation and training of a City-wide financial software application at a cost not to exceed $1,900,000.00. **(This contract will permit the acquisition of the new financial system software which will be utilized on a city-wide basis The contract will not exceed $1.9 million dollars and will be partially front funded).**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN
PRESENTED

Bill No. 2225

Report of the Committee on Planning, Zoning and Land Use for June 28, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2192

A Resolution entitled, "Resolution amending Resolution 211 of 1995 entitled an Agreement with various community organizations for operational/expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $123,750.00 chargeable to and payable from Code Account 1103 Miscellaneous Services, Department of City Planning" by changing the Grant Recipient St. Rosalia Food Bank from $1,000.00 to $0. **(SPONSORED BY MR. O'CONNOR).**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD UDIN PRESENTED

Bill No. 2226

Report of the Committee on Housing, Economic Development and Promotion for June 28, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2010

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, by Resolution No. 1056, effective August 24, 1993, by Resolution No. 1219, effective November 1, 1993, by Resolution No. 755, effective October 19, 1994, by Resolution No. 846, effective November 4, 1994 and by Resolution No. 937, effective December 7, 1994, entitled, 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 CDBG Program,' so as to decrease a line item in "City Council" and create a line item in the Department of Publics Works (Picket Fence Program)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilwoman McDonald.

Ms. McDonald:

You don't want this, do you?

I was fully willing to go along with the Picket Fence Program, Bill No. 2010, I waived the white flag last Wednesday, I try to pick my battles wisely, on one condition, is that the Administration would have been courtesy to send us some information on what type of funds they would unencumbered to come up with some compromise for jobs. Now, I do believe that this is what was committed at the table by the Administration, and that we would receive it before this session. I have not received anything, and I just wondered if the other rebels at the table with the Picket Fence Program; did anybody receive any information?

Mr. Cohen:

This rebel has not seen any.

Ms. McDonald:

I would love it if my colleagues would go along and recommit this for another week, until we can get the information that was promised.

Mr. Udin:

So moved.

MR. COHEN second the motion.

The Chair:

It has been moved and seconded for discussion.

Let me be one of the rebels without a cause it seems at this point on the Picket Fence. But, I would just advise that we try to move along on this Picket Fence, and I would also ask that, this Council legislatively, it really is our budget when it comes to the Block Grant. We have the ability unilaterally -- and I will join you and I will show you where the dollars are -- we have the ability to re-authorize and re-program some of the Block Grant dollars, either previous unencumbered dollars or even the most recent '95 package. For instance, we have left a couple hundred thousand dollars into some youth funds that I have never seen expended yet by the Administration, there are some other Code Accounts within the Block Grant that have not been expended.

I will certainly commit myself to working with Chairman Onorato, and if that is the will of the majority to come up with a re-appropriation in changing some of the Code Accounts to come up with another hundred thousand for the youth employment. One of the practical problems with youth employment at this late in the game is the actual administrative reality of hiring and getting young people on to the payroll. I know that seems like an absurd thing. But, I know in the past when we have appropriated money late, it has been a problem actually spending it this late.

But, I would hope that we would move along on the Picket Fence, and if it is the desire of the majority to come up with some additional dollars, we have that

ability ourselves, we can work with the Finance Chair or Dave Keller, and I know there are a number of Code Accounts that we could re-appropriate. But, I just throw that out as a possibility of trying to move this along.

Councilman Ricciardi.

Mr. Ricciardi:

I will be voting in favor of recommittal. It is Ms. McDonald's committee and she desires that courtesy. Let me just state, though, Mr. Ferlo, I think you are absolutely right, if we need the one hundred thousand, we should just look at it ourselves. But, I am in no doubt that Dr. Rowan Miranda, it was just a slip of his memory, but I am sure that information will be coming by this afternoon in our 1:30 session. He did mention a place that I think he already knew between 20 and $30,000.00 where he could target the money, and I am sure the other 70,000 has been targeted, because of the July 4th, it just has not been sent over to us.

The Chair:

I would have thought you would be my biggest defender just now.

Councilman Onorato.

Mr. Onorato:

Mr. President, if we filibuster long enough, maybe Mr. Miranda could run that over here now, before we have a vote.

I will vote to recommit, only because the courtesy that Councilwoman McDonald showed us when we asked her to recommit, where she had the ability to kill this bill a week ago. However, I am going to try to make my argument to her to reconsider this recommittal on this basis: I am the one that – in addition to -- you are right, we did request and we asked that we would have a copy of the Code Accounts before today's meeting of where the hundred thousand would be coming from for the youth employment, and I am not making excuses, but maybe because this was a holiday week, our meetings were changed, the City was shut down for a day, and it appears that the five votes are here to pass this regardless if we recommit or not, but I will take your offer, Mr. President, to work with you and Councilwoman McDonald to make sure that we have that today from the Administration with all the Code Accounts, if Councilwoman McDonald at this point could live with that request, if not, I will go along with the motion that is on the floor.

The Chair:

Well, there is a motion on the floor to recommittal. Discussion on the recommittal, Councilman Hertzberg.

Mr. Hertzberg:

I have another suggestion that will enable us, I believe, to do everything --

The Chair:

Well, mine didn't work, so you may as well try a new one.

Mr. Hertzberg:

Try this: We recess today's meeting -- recommit, recess the meeting

and meet again after our Standing Committees Meeting this afternoon, when hopefully we will have these Code Accounts and we can have the final vote on this, because I do not want to see it bounced around anymore than it has been bounced around either. I would like to see it passed finally today and if it is just something that slipped through the cracks. I think we could do that procedure.

The Chair:

The only reason why I am opposed to the recommittal is on a practical politics here. It is clear that at least the four colleagues who are opposed to the Picket Fence because of the issue of the priorities, which is a very strong argument that many of us sympathize with. Between those four votes and myself and others, who will definitely commit to re-appropriating a hundred thousand dollars, I think we could just move on the Picket Fence, good, bad or indifferent, and still have the majority and the supra-majority to re-allocate extra dollars for youth employment, whatever the other priorities are that we feel are important. But, it is really the pleasure of the body. There is a motion on the floor.

Councilman Cohen, Councilwoman McDonald.

Mr. Cohen:

Mr. President, I am going to vote for recommittal on the hope that we can actually convince one other of our colleagues to vote against this program. My position on this program has been strong and clear and that is that I think there are more urgent priorities in the City of Pittsburgh than putting fences around lots, and that is, number one, jobs and the fact that we have a -- the Federal Government has gutted our jobs program and secondly, putting that aside, the question of maintaining City services, basic City services, and that means cleaning up what is in those lots, and that means picking up garbage and all the other things that the City needs to do as some of its basic core services, which I am not convinced right now that we are doing well -- or the City is doing well. That is where -- if there is not a consensus here to move it in to summer jobs, then at least have the consensus to move it in to maintaining basic City services, which frankly I think we are not doing right now.

The Chair:

Believe me, it is becoming harder and harder to defend the Picket Fence Program.

Councilwoman McDonald.

Ms. McDonald:

I appreciate my colleagues willing to recommit this. Again, I do not want to necessarily be a stumbling block but someone that can bring both sides in the middle and right now I do not see the Administration yet in the middle until I see something in writing that says, yes, we understand Council, in fact that last week a majority of Council's concern, that there are more pressing priorities, let's talk, and I have not really seen it in black and white. I have heard it verbally and I appreciate that and all I am waiting for right now is to see it in black and white. So, if we could recommit this. I am will to go along with Councilman Hertzberg's suggestion that we reconvene after the Standing Committee and the whole nine yards, just

to move it along. But, I do appreciate the common courtesy for at least a day -- in fact, just a few more hours until we can move it.

The Chair:

All in favor of the recommittal?

WHICH MOTION PREVAILED.

The Chair:

The bill is recommitted. And, if there is no objection, we will move -- at the end of this meeting, we will recess this meeting and take the matter up at the close of the Standing Committee Meeting, if there is no objection.

It is so ruled.

MR. HERTZBERG PRESENTED

Bill No. 2227

Report of the Committee on Parks, Recreation and Youth Policy for June 28, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2193

A Resolution entitled, 'Resolution amending Resolution 162/1995 entitled: "Resolution providing for an Agreement with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh at a cost not to exceed $97,000.00 chargeable to and payable from Code Account 1805 Miscellaneous Services, Recreation, in the Department of Parks and Recreation,' by adding Hazelwood Pony and Colt League, $1,000.00. **(SPONSORED BY MR. O'CONNOR).**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 2228

Report of the Committee on Engineering and Construction for June 28, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2004

A Resolution entitled, "Resolution amending Resolution No. 303, effective April 6, 1987, entitled, 'Providing for a contract or contracts for the repair of sidewalks and other work incidental thereto in various communities operated by the Housing Authority of the City of Pittsburgh,' by decreasing the total project allocation by $19,669.50 from $300,000.00 to $280,330.50."

Which was read.

Also,

Bill No. 2006

A Resolution entitled, "Resolution amending Resolution No. 667, effective August 17, 1989, entitled, 'Providing for a contract or contracts, or use of existing contracts for sidewalk replacement at various locations maintained by the Housing Authority, including, but not limited to St. Clair Village,' by decreasing the total project allocation by $127,537.56 from $225,000.00 to $97,462.44."

Which was read.

Also,

Bill No. 2007

A Resolution entitled, "Resolution amending Resolution #901, effective October 9, 1991, entitled, 'Providing for a contract or contracts, or use of existing contracts, for sidewalk replacement at various locations maintained by the Housing Authority; including but not limited to Garfield Heights,' by decreasing the total project allocation by $50,144.45 from $125,000.00 to $74,855.55, chargeable to and payable from Code Account CDEC 90-36."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Can I get a clarification from the Clerk, are Bills 2004, 2006 and 2007 companion bills to the infamous Picket Fence debate? Can we motion to recommit those three bills.

Ms. McDonald:

Motion to recommit.

MR. RICCIARDI seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Those bills, 2004, 2006, 2007 are recommitted.
Also,

Bill No. 2144

A Resolution entitled, "Resolution amending Resolution #161, effective March 22, 1995, entitled, 'Providing for an agreement or agreements, or use of existing agreements with a consultant or

consultants for engineering services in connection with the Design of Phase, II, of the reconstruction of Fifth Avenue,' by providing for the partial front funding of said project at a cost not to exceed $800,000.00, chargeable to and payable from Code Account EC95-532, 3-13-01-0372-95."

Which was read.

Also,

Bill No. 2145

A Resolution entitled, "Resolution amending Resolution #115, effective March 1, 1994, entitled, 'Providing for an agreement or agreements, or use of existing agreements, with a consultant or consultants, for engineering services in connection with the design of the rehabilitation of the McArdle Roadway Viaducts #1 and #2; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation,' providing for the partial front funding of this project."

Which was read.

Also,

Bill No. 2146

A Resolution entitled, "Resolution providing for a contract or contracts, or use of existing contracts and/or an agreement or agreements, or use of existing agreements, for construction and construction inspection services in connection with the rehabilitation of the Schenley Park over Panther Hollow Bridge; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; ;chargeable to and payable from the Schenley Park over Panther Hollow Bridge Trust fund. Cost not to exceed $5,300,000.00."

Which was read.

Also,

Bill No. 2147

A Resolution entitled, "Resolution further amending Resolution #973, effective January 1, 1995, as amended, entitled, 'Adopting and approving the 1995 Capital Budget and the 1995 Community Development Block Grant Program; and approving the 1995 through 2000 Capital Improvement Program,' by increasing EC 95-68 by $5,050,000.00 and by amending the title to "Schenley Park over Panther Hollow Bridge Trust Fund Transfer"."

Which was read.

Also,

Bill No. 2148

A Resolution entitled, "Resolution providing for the creation of a special trust fund to be known as the "Schenley Park over Panther Hollow Bridge Trust Fund" for the deposit of funds and reimbursements to be used for the Rehabilitation of the Schenley Park over Panther Hollow Bridge."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)
AYES 8	NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, are there any matters to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

Councilman Cusick.

Mr. Cusick:

Yes. I would just like to ask Council for their support in sending a letter to the President in regards to the whole flooding problem down in the Overbrook area. As we all know that the 13 million dollars that was allocated for to help alleviate some of the problem in the Saw Mill Run Creek area was stripped and is now trying to be restored by our Congress and hopefully by the Senate.

I would like to send a letter supporting -- the Federal Government does support local flooding problems such as that occurred last week.

I would like to also ask that this Council send a letter to the Governor in response to whatever emergency dollars may be available in regards to the whole flooding problem out there. I think that for the most part the community has spoken, they have waited 40 odd years, have gone through a number of studies and they are tired of hearing about the -- whatever branch of government it may be, doing a study and would like to see some action.

I think that for the most part that when I have come to this body before for Overbrook and the same old story is, let's wait; whether it be a Senior center or fixing of a creek, the community always get the same reply, we'll do it, we're thinking about it and it's on our minds, yet nothing happened. The same thing is happening with the creek. And, I think it is time that Overbrook and the whole South Hills area, or the whole City of Pittsburgh would probably reap from the benefits of doing something in regards to this creek.

So, I would ask that we send a letter not only to the President, to the Governor and ask them for immediately response and also to visit the site with myself and whatever other Members of this body that would like to join in.

The Chair:

Thank you. There is a motion on the floor. If you can help construct the letters.

Councilman Cohen.

Mr. Cohen:

A strong second to that motion, Mr. President. I want to commend Councilman Cusick for his leadership on this issue, also Councilman Hertzberg because, of course, his district is affected as well, the West End portion.

It is pathetic that it has been 40 years at least that the people of Overbrook and that area have been trying to solve a life and death problem, it is truly a life and death problem, especially down there in Ansonia Place. I was fortunate enough to be at the meeting last night with Councilman Cusick and Councilman Hertzberg where residents talked of how they have had to suffer for all these years. So, I strongly second the motion to President Clinton and hopefully also to our two Senators and Congressman.

There was actually money in the budget, as Councilman Cusick said, in the Federal Budget for this, I think 14 million for the West End portion and about four to five million for the Ansonia Place portion, and it was cut out, the rug was pulled out from under those residents. So, we all have to fight to put it back in, and I very strongly support Councilman Cusick in his motion.

The Chair:

Very good. Other discussion? Councilman Hertzberg.

Mr. Hertzberg:

I am strongly in support. I look forward to seeing that letter, I think that is the direction we ought to continue to take. As Councilman Cohen point out, the Federal Government was on the verge of finally doing this, the last second, I mean as recently as a couple months ago, they were taking core borings in the West End, ready to start the work there, all of a sudden it stopped. I think some of the efforts that have been made though in the last couple of months got it back on the drawing board in the House of Representatives. But, I think going to the President and doing what Fran Accamando suggested last night, getting the petitions, taking them down to Washington, is the way we got to go on this, just get it back where it belongs, show them the seriousness of the situation, and it certainly was impressed upon me last night by the vivid descriptions of the fear that the people along Saw Mill Run have of that flooding. I am in full support and offer all of my assistance.

The Chair:

Thank you, Councilman. As a suggestion, could we also send a communication PennDot, the same kind of a letter. I am a little bit confused as to how they are going to do major road and

bridge work in that corridor without addressing the overflow, the flooding realities. It would seem engineering wise it is structurally impossible to build certain type of bridge and roadway improvements if they are not going to also address or deal with the fact that there is significant flooding. So, I would like to also ask respectfully that the communication besides the Governor or the President also go to PennDot. It is obvious that given the nature of the problem that a number of different agencies, including our own ALCOSAN are involved in one way or another in ultimately trying to address the issue. So, I think we should also communicate to PennDot regarding the issue.

Councilman Onorato, then Mr. Cusick.

Mr. Onorato:

Two quick points. One, Mr. President, you asked, you wonder how PennDot is going to expand the road without accounting for this problem. That is the typical way PennDot does business. They build a road for people that live outside the City and we build the burden of the problems and they say, when we have money we'll get to it. I am dealing with this on the North Side. So, Councilman Cusick, you have my full support.

And, I think that it is very important that we send a letter to PennDot that there will be no road construction, no improvements, unless we see the plan for this particular problem.

And, in addition, the ALCOSAN issue that I always bring up here at the table, when we have outside municipalities that want to tap in to the system, we always have a debate here and I always question it because of being the host of the facility on the North Side and problems we have with it, but this is a good example where I do not think another municipality should be tapped in until we take care of our own municipality that should be tied in to ALCOSAN, whatever it takes, and these are the types of issues that should be addressed before we just rubber stamp expansion, albeit a PennDot project or an ALCOSAN project, until they realize that, we'll be the host of these projects but you are going to have to pay and prepare the facility in a proper way so that we don't bear the burden twice, one, with the structure, and two, with inadequate planning for run-off or spin-off.

So, Councilman Cusick, you have my full support in whatever we can do.

The Chair:

Councilman Cusick.

Mr. Cusick:

I would just like to thank everyone for their support, but I think that you hit it on the nose, and one reason that I wanted to send the Governor a letter in regards to this is that we have allocated some 16, 17 odd million dollars to the Liberty Tubes Portal Project and I think that if we are going to start prioritizing, which the State has done in regards to different projects, I think that this should be the top of the priority list, and only then after this project would be kicked off, would we consider other -- at least I would consider other projects that have to do in regards to the South Hills area. I know for the most part that we are going to face a problem once

we shut down the Fort Pitt Tunnels, but I do not see how this Liberty Tubes Portal Project will really confront that problem.

But, for the most part I want to see the people of the Overbrook area and the people of the South Hills get the best bank for their buck, and I think that for the most part they will get that if the creek is taken care of.

The Chair:

Thank you. Well, if you could help draft those letters to the three agencies, their representatives, we will get them off, and I think maybe all of us can sign the letters.

Other discussion or any other matter to be brought before the body? Again, we have a Standing Committee Meeting at 1:30, and as agreed upon earlier, we will recess this meeting and then meet to take a final action, possibly, on the Picket Fence issue.

At this point we will entertain a motion to excuse the absent Member.

MR. ONORATO moved to excuse Mr. O'Connor for absence from the Meeting.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

And, this meeting stands in recess.

MR. ONORATO moved to recess this meeting and meet this afternoon following the Standing Committees Meeting.

MR. COHEN seconded the motion.

Which motion prevailed.

And on the motion of **MR. ONORATO**

Council recessed.

Pittsburgh, PA
July 6, 1995

And the time of recess having expired, Council reconvened.

The Chair:

Council's Recessed Legislative Meeting is reconvened.

I do not believe there is any appropriate order of business on the table, unless some matter under Motions and Resolutions. We had intended to recess and meet and vote on the Mayor's Picket Fence Program.

Mr. Hertzberg:

Move to adjourn.

MR. RICCIARDI seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

This Legislative Session stands adjourned and confused. Thank you.

And on the motion of **MR. HERTZBERG**

Council adjourned.

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILL NO. 2162, WEDNESDAY, JUNE 28, 1995)

The Chair:

Before we start, Mr. McGregor met with me and gave me a pretty good explanation and I think if we lead off with that and then we'll go to discussions because I'm sure your explanation might answer a lot of the questions.

Mr. Hertzberg:

I read through it and this is in Council District No. 2, Windgap Road in the Windgap neighborhood and I am familiar with the streets and the configurations so I have idea of what accident was but I was wondering about the nature of the injuries because it does end up being a large total here with the other driver.

Mr. McGregor:

Yes. I can appreciate that. I can state for the record that the plaintiff's initial demand in this case was $400,000.00 which was somewhat high in our opinion and we worked hard to try to lower the amount that the plaintiff would accept in this case.

I did bring photocopies of a set of photographs for Council's review which relate to the injuries of Mr. Crider. He suffered multiple fractures of both arms and wrists and he was required to wear exterior appliances which were hooked to his bones inside his arms.

Mr. Hertzberg:

Thank you.

Mr. Ferlo:

This gentleman is on a motorcycle.

Mr. McGregor:

Correct.

Mr. Ferlo:

What is the information regarding his conduct of driving? Everybody wants an advanced warning of a stop sign or whatever the intersection is.

Mr. McGregor:

I understand. In this instance the pretrial proceedings pointed to no negligence on the part of the motorcycle rider.

Mr. Perlo:

What was actual accident then?

Mr. McGregor:

The accident was the motorcycle rider was following an elderly woman who was prepared to testify that she was going the speed limit. Coming up Windgap Road around the corner, the blind corner and coming in the opposite direction was a vehicle owned by the Colony Restaurant that was making A left-hand turn. The woman passed through the intersection and the vehicle owned by the Colony Restaurant made a left-hand turn and the motorcycle ran into the --

Mr. Perlo:

-- why are we responsible?

Mr. O'Connor:

Can you finish the description of what happened?

Mr. McGregor:

The vehicle made a left-hand turn, the motorcycle ran into the back end of the Colony Restaurant's vehicle. The liability on our part as alleged in the complaint and as plaintiff was prepared to prove at trial was that the signage along Windgap Avenue warning of the approaching intersection had been overgrown by vegetation and we had prior notice --

Mr. Perlo:

-- to me that's a bunch of baloney. The guy was not careful driving his motorcycle.

Mr. McGregor:

There would have been evidence from the --

Mr. Hertzberg:

-- I don't know how you get that. If the guy is driving the speed limit what else is he supposed to do? He's driving the speed limit and he goes over a curve and I don't know how he's not being careful.

Mr. Ferlo:

What would have been the dynamic if he was in a car or a larger vehicle? He would not have wanted to scurry around around the car coming out of the restaurant going left.

Mr. McGregor:

If there was an impact in this instance and obviously that is not a defense to the situation that you are on a motorcycle per se. It's a vehicle that was properly registered.

Mr. Ferlo:

I question the conduct of the motorcycle versus someone who had been in a vehicle.

Mr. McGregor:

There was an independent witness that would have testified --

Mr. Ferlo:

He is probably on the payroll here.

Mr. Udin:

Was there a stop sign at the intersection?

Mr. McGregor:

No, there was not.

Mr. Udin:

It was just a warning sign indicating that an intersection was coming? How far was that from the intersection?

Mr. McGregor:

I believe it was 35 feet.

Mr. Udin:

And that is what was overgrown?

Mr. McGregor:

Correct. The foliage was within our right-of-way and we did have the responsibility of cutting back that foliage and we

had prior notice that the foliage had been overgrown in the past.

Mr. Ferlo:

What does this have to do with the car leaving the restaurant going left and the motorcycle striking it? I don't understand the relationship.

Mr. McGregor:

The relationship is that neither that the plaintiff in this case did not have warning there was a blind intersection ahead and therefore —

Mr. Ferlo:

— was the motorcyclist blind or was he driving the motorcycle with vision?

Mr. McGregor:

No, the motorcyclist was not blind but he did not have prior notice that he was proceeding into a blind intersection therefore he did nothing more than go the normal speed limit and did not take additional precautions going into the intersection.

Mr. O'Connor:

What you are saying whether it be ambulance chaser or not, if we had cut the grass and the sign was visible then this guy wouldn't have a case.

Mr. McGregor:

Not against us, that's correct. Obviously the restaurant owner is taking the majority of the settlement here — they are paying $90,000.00 as part of the settlement and the they would have tried to blame more on us because they had agreed to settle the case prior to us agreeing to settle the case.

Mr. O'Connor:

You're saying the restaurant truck was making a left and this motorcycle hit the truck.

Mr. McGregor:

Correct.

Mr. O'Connor:

He hit it in the rear or the front?

Mr. McGregor:

The rear.

Mr. O'Connor:

Why would he be at fault if he's -- he's probably more than halfway through the intersection.

Mr. McGregor:

The Vehicle Code is clear that you can make a left-hand turn only upon ascertaining that the right-of-way is clear and apparently in hindsight the right-of-way was not clear.

Mr. O'Connor:

I would think on any issue even if it is a regular road and you can see me, if I make a left then you hit me in the front it's probably my fault because I drove into you but if you hit me in the back I would think it would be your fault because I'm halfway through the thing and you didn't control your vehicle.

Mr. McGregor:

I understand that and that is a practical consideration that the jury considers but at the same time a charge from the judge to the jury at trial would be that making a left-hand turn without the intersection being clear is negligence, per se.

Mr. O'Connor:

When the truck made the left presuming it is a blind intersection, he or she driving the truck didn't see any motorcycle.

Mr. McGregor:

That's correct.

Mr. O'Connor:

He is at fault?

Mr. McGregor:

That's the way the law is. The driver of the truck certainly did not feel he was at fault but the insurance company

knowing what the law is in the area realized that they had a lot of exposure and agreed to paid $90,000.00.

Mr. O'Connor:

I kinda disagree but I've learned a hard lesson about motorcycles and the law and dealing with some lawyers, so if you are ready to give in it looks like we almost have to if the insurance company is doing it too.

You're saying our biggest problem is we had a sign that warned it that this was a dangerous intersection and that sign was invisible whether it be this guy or anybody else.

Mr. McGregor:

That's correct.

Mr. O'Connor:

We are negligent in whatever way for not trimming the grass.

Mr. McGregor:

Yes, and the fact that we had prior notice of the condition and that's where the liability comes in.

Mr. O'Connor:

Once it would go to court that would be the big case and I'm sure everybody would agree with it.

Mr. McGregor:

Our percentage of the amount is I think in this instance we're fortunate that we have another vehicle that had substantial coverage.

Mr. O'Connor:

Did the motorcycle have insurance?

Mr. McGregor:

No, he was unemployed at the time. He did not have — he had insurance for the motorcycle but not medical.

Mr. Cohen:

I'm having a little bit of trouble with this. The truck is coming south on Windgap, the motorcycle is going north on

Windgap and they're at the intersection of Windgap and Summerdale. The truck is making a left-hand turn from Windgap onto Summerdale and the motorcycle is coming this way.

Mr. McGregor:

Correct.

Mr. Cohen:

There's at least an obscured intersection there.

Mr. McGregor:

Correct.

Mr. Cohen:

Both vehicles though had some opportunity to see each other; is that right, at least from the curve here to Summerdale.

Mr. Hertzberg:

There's a hill there too.

Mr. Cohen:

I guess I have a problem with us having to pay $75,000.00 for two cars that are approaching each other and had at least some opportunity to see each other. Do you have an idea of how big the truck was?

Mr. McGregor:

It's a Ford Bronco.

Mr. Cohen:

Was it painted with a particular color for a Colony Restaurant logo.

Mr. McGregor:

No. It did not have any corporate indications on the outside of the truck, I think it was black or dark blue.

Mr. Cohen:

The liability on the side of the City or the potential liability is not that there was a stop sign there or a sign that

has some ability to restrict the traffic but rather a sign that says approaching intersection.

Mr. McGregor:

It is a blind intersection sign that was in place but the real liability was the vegetation and the fact that we had prior notice that that condition existed there.

Mr. Cohen:

What did the sign say?

Mr. McGregor:

It is indicated on there. It doesn't have any words per se but it is a drawing of the intersection.

Mr. Cohen:

I have to tell you, it not a stop sign, it is not an approaching intersection sign, it is a sign with a little arrow that shows the street. And the second problem I have here is that his entire damages unless I'm missing something here are and obviously I feel sorry for the man —

Mr. Ferlo:

— I don't.

Mr. Cohen:

Look at the pins in his wrist but that aside his medicals are $32,000.00, his lost wages which often are blown up so I don't know whether those are accurate or not are $10,000.00.

Mr. McGregor:

He was unemployed at the time. His testimony would have been that he had a job.

Mr. Cohen:

Wait a minute, did he have a job or didn't he have a job?

Mr. McGregor:

He did not at the time. He did previously, he was a painter and he was the old "between jobs". I guess the best way to put it is on the emergency room records he was indicated as unemployed because he did not have health coverage.

Mr. Cohen:

So $32,700.00 in medicals, questionable $10,000.00 in lost wages at the least and property damages of $4,000.00, was that his motorcycle?

Mr. McGregor:

Correct.

Mr. Cohen:

So that comes to to $46,000.00 and what does this guy get?

Mr. McGregor:

$165,000.00.

Mr. Cohen:

He's got a good lawyer.

Mr. McGregor:

Actually he does. Mr. DePasquale is very able --

The Chair:

-- actually he had a wealthy defendant.

Mr. Hertzberg:

What is the future for him?

Mr. Cohen:

Hold on, I've got the floor. I don't see it. I'm uncomfortable giving $75,000.00 to a guy who at the most had $35,000.00 in damages. It's $75,000.00 from the City on top of $90,000.00 from the restaurant for $160,000.00. This guy doesn't have to worry about work for a long time.

Mr. McGregor:

Two things in response. One was that plaintiff's surgeon did anticipate a future wrist fusion so they were possible -- and that's not in the letter because it was a possibility in the future but evidently it would have gotten in and the projected medicals and what that would involve as far as surgical procedure would have gotten in.

Mr. Cohen:

This happened in July of '93 which was two years ago. Has he had a wrist fusion?

Mr. McGregor:

Not at this point. The second thing -- I understand that $165,000.00 is lot of money but The Hartford independently evaluated the claim and felt that $90,000.00 on their part was cutting their exposure.

Mr. Cohen:

As long as the City paid the other $75,000.00.

Mr. McGregor:

It wasn't contingent upon that but they understood the liability and the damages in the case to the extent they were willing to pay $90,000.00.

Mr. Cohen:

I am not criticizing your handling of the case but what I would like, and this one Councilperson speaking is for you to go back and get the settlement down. In my view that is too much money for an obscured incredibly low restriction sign, if there is such a term. This was not a stop sign, it was not an approaching intersection sign, it was a sign that virtually everybody ignores and that is a sign that has an arrow on it and I'm not sure that would have prevented this guy's accident.

Mr. McGregor:

It may not have but it's impossible at trial to put in evidence that everybody ignores the sign.

Mr. Cohen:

I think you can put in evidence in the hierarchy of signs, and I know there are a lot of experts on this, this type of sign ranks very low in the hierarchy of signs.

Also my second problem is that his damages don't reflect what the settlement amount is unless we're talking about punitive damages for pain and suffering but in terms of compensating him for his injury that's $35,000.00.

Mr. McGregor:

I understand and in evaluating these cases one thing we take into consideration is that the medicals were not paid by other insurance. Had he had medical insurance we could in negotiations offset the $33,000.00 which he would have not to repay and in this case he does have to repay the $33,000.00 in medicals.

Mr. Cohen:

It doesn't change the amount.

Mr. McGregor:

It does on the City's part. If we have a private defendant, let's say Blue Cross would have a subrogation right against the settlement, when the City of Pittsburgh or another municipality is involved, there is no right of that set off so in evaluating a case for settlement when there is insurance, we evaluate the settlement lower and in this case it would be $33,000.00.

Mr. Cohen:

That's a good point but it doesn't change my view that it is too much money.

Mr. McGregor:

I understand.

Mr. Udin:

Hypothetically if this body voted to decline the advice of the Solicitor's Office for settlement, what would be the next steps that you would take?

Mr. McGregor:

The case would be placed on a jury trial list or we could attempt to re-negotiate it. I think I have done the best job that I can in negotiating the case.

Mr. Udin:

Thank you.

Mr. Ferlo:

I am still confused so tell me again. Mr. Motorcycle Guy is riding behind the woman who driving the car and she is in front of motorcycle and it's a single lane or a double lane?

Mr. McGregor:

Single lane.

Mr. Ferlo:

The motorcycle is behind the lady.

Mr. McGregor:

Correct.

Mr. Ferlo:

The lady takes a left --

Mr. McGregor:

No, the lady continues straight through the intersection.

Mr. Ferlo:

The van or Bronco from the restaurant is coming out of the restaurant taking a left.

Mr. McGregor:

He is making a left, he's not coming out of the restaurant.

Mr. Ferlo:

Did the motorcycle pass the other vehicle or she managed to get through?

Mr. McGregor:

She clears the intersection, the motorcyclist is still coming around the corner. The Ford Bronco is making a left-hand turn -- after the woman clears the intersection they make the left-hand turn and then the motorcycle appears.

Mr. Ferlo:

And the motorcycle hits the rear of the vehicle from the restaurant.

Mr. McGregor:

The rear half, the very end. The motorcyclist's helmet ended up inside the Ford Bronco and went through the back window.

Mr. Ferlo:

I don't understand our relationship to liability. I don't agree that we are liable. Was this gentleman on medical assistance?

Mr. McGregor:

No.

Mr. Ferlo:

Was he eligible for MedicAID for the hospital bill?

Mr. McGregor:

He possibly was because he was a self-employed painter, an independent contractor. However, even if he was on assistance we would still not get a set off for the medical bills. We don't set off against federal programs.

Mr. Ferlo:

But if MedicAID paid for it we'd be paying the State Welfare Department instead of him for the medical bill.

Mr. McGregor:

That is true but we ourselves wouldn't get the benefit of the payment.

Mr. Ferlo:

I don't see that we should be paying this amount. The gentleman needs to go to a common sense school.

Mr. Hertzberg:

Maybe the jury system is out of control but let me try to paint it for you and I don't think that's the case either but as I would paint it if I were either of these attorneys either representing the driver of the van or the driver of the motorcycle. If you are representing the driver of the van you're saying "I didn't do anything wrong. I came up to an intersection, a car passed in front of me, there was no other vehicles coming and I had to make a left, I made my left. I

didn't do anything wrong." The driver of the motorcycle, "I was going the speed limit. I didn't know to expect an intersection in front of me. As I came over the hill there's a van, I hit it." So what's the jury going to do? Are they going to blame it on the motorcycle driver who wasn't doing anything wrong and in fact has an elderly lady to support his testimony and a guy whose got two broken wrists and an extremely nasty injury, we have nothing to support any kind of claim, contributory negligence on his part or on the truck driver's part and here's the City of Pittsburgh sitting there. If you people want to roll the dice, be my guest roll the dice. You know the figures right now and the judgments that we're facing from rolling the dice. I think we're being given good advice here.

Mr. Ferlo:

What time of day was the accident?

Mr. McGregor:

It was daylight, it was 5:50 pm.

Mr. O'Connor:

I am trying to listen to two of the lawyers on Council here and I agree with both of what they are saying. I have a problem why they gave them the $90,000.00 but that's a given already and I agree with Mr. Cohen in that it is a lot of money. What I'd like to recommend and I can count and if you look very close one way or the other without taking a vote, I wouldn't bet that you are going to get the votes for this money. Could we hold this for two weeks and you go back to this person and his lawyer and recommend at least we cut this in half that we pay for his medical expenses at $40,000.00?

Mr. McGregor:

Councilman, I can assure you that if I go back to him to attempt to do that, it will be rejected. That has been made very clear that this is the bottom line on this Number One and Number Two, the plaintiff was impatient with the amount of time it has taken compared to an insurance company to write a check for a settlement and we are under -- if the plaintiff — if this is not approved and plaintiff receives payment by July 14 then the case is going to go on the next available trial list already.

Mr. O'Connor:

Is that the alternative?

Mr. McGregor:

That's what will happen. That doesn't mean just from knowing the history if this is not approved the case will go to trial.

Mr. O'Connor:

What I'm suggesting that possibly you don't have the votes so right now you come up with a zero or a chance to have two weeks to come back to Council. If we hold it for two weeks you can come back to us with another figure. Maybe it will be the same figure.

Mr. McGregor:

Most likely it will be the same figure or the plaintiff is in a position to now reject the settlement as proposed.

Mr. O'Connor:

So if he rejects it it goes to trial.

Mr. McGregor:

Right.

Mr. O'Connor:

Can't you pick up the phone after you leave here and I think it's on tape so you can honestly tell this attorney that you don't think you have the votes could he do better? Because I don't know you will get the votes today.

Mr. McGregor:

I would attempt it.

Mr. O'Connor:

If two weeks is too long could we hold it one week and I'd like you to try. That is a suggestion and I don't know whether Council would agree to it or not but I would recommend to hold one week.

The Chair:

I think we can have a compromise. What we'll do is have a roll call vote and if it loses this is only preliminary vote. By Tuesday we can recommit it back and it gives him time but if it passes it passes, we'll go with a roll call vote.

Mr. Ricciardi:

I have one question. I want to know who paid the medical bills? I believe the medical bills were paid by the state that this lump sum if we agree to settle should not go to this gentleman because he's getting a double hit. He didn't have to pay for the medical bills, the check should be split. I believe the money should go back to the taxpayers.

Mr. Hertzberg:

It will. Welfare is subrogated. If they pay the medical bills they get it.

Mr. Ricciardi:

I want to make sure it's in the legislation where it's not saying that this sum goes to David Crider. That the legislation actually reads that $32,500.00 goes back to the taxpayers. So I'd like to change the legislation with something you can at least get back to us on.

Mr. McGregor:

May I comment on that? The law provides as I understand it that if the welfare lien would attach to any amounts paid on behalf of medicals and if the attorney to whom the check is jointly written to does not take care of it they are personally liable for that amount.

Mr. Ricciardi:

Okay. Just for my information can you send a memorandum on that?

Mr. McGregor:

Yes, I will.

Ms. McDonald:

I hear both sides. I do agree with all of my colleagues on certain points but the one reality that I've always said that we face is anytime you go into court you toss a coin. You may think that your evidence is good, you may base it upon common sense but oftentimes the outcome of a court decision you don't see the common sense there, I don't know why. But a jury trial, I know from another governing body and being the target and hit of a lot of lawsuits, some of them I think quite frivolous but nonetheless you get dragged into court. The whole hint of a jury trial makes me feel we should settle because a jury trial, this gentleman will go in with the pins and carry on and I

guarantee you people do not feel sorry for a governing body, they never will so there are going to take the hit at the governing body.

I have no problem with holding it for one week or two but I would like more discussion on this with you privately on all the details but in the meantime again I don't think I will vote for to not settle. I probably will want to settle. It would be nice if we could reduce the settlement but I hear where you are coming from and you are dancing around it and I think you're trying to tell us they are not going to settle for anything else.

Mr. McGregor:

I am 100 percent sure of that. With the same thought I think that the City of Pittsburgh's exposure in this case is a lot more than the amount that I am recommending.

Ms. McDonald:

I don't want to make too many mistakes in not settling when we need to settle versus we have a strong case. Do you feel we have a strong case to go to jury trial.

Mr. McGregor:

No, I do not. That's my professional opinion. In cases where I feel we have a good defense you will not find me up here.

Ms. McDonald:

I have no problem with holding for one week or two.

Mr. Cohen:

Very briefly. This guy's is getting too much money for this case, simple as that and there is a cost to his lawyer going to trial and given those two facts I think it is at least worth, and I respect your opinion, but I think it's at least worth going back and saying my client the Council of the City of Pittsburgh representing the people of the City of Pittsburgh does not like the settlement; can you do better? Otherwise, we will go to trial and see what happens because I don't think there is any cost in doing that right now. As the Chair said, either holding it or voting against it in a preliminary vote will send a signal to this guy that he's asking too much of the taxpayers of the City of Pittsburgh for this particular accident. So I don't see any cost in calling the other lawyer and saying my client is not happy with this.

The Chair:

I have been sitting here and listening to both sides and I was one of the critics of the other infamous bicycle accident in front of this body and I did not support a settlement there but I think the two cases are different considering the criminal activity that was involved in the first case.

On this particular case even though I think it's disgusting and until we get a tort reform out of Harrisburg or D.C., our hands are tied with the percentages of loss and cutting our losses. However, the facts of this case — I want to ask you — your legal opinion on this because it hasn't been addressed and that is if the sign as never put up and we have the situation, should we be changing the speed limit? If the guy was going the speed limit and that's his defense and that's why he's not guilty, should this thing be 15 miles an hour? Should we be thinking about changing the speed limit on this curve? What if the sign was never put up with the arrow and there was no vegetation problem and there was no warning issue and we weren't put on notice, where would this stand?

Mr. McGregor:

Under those facts I don't believe that we would be exposed to liability in this case and I also believe that I — I went to law school, I'm not a traffic engineer so if I have asked the people in Public Works to go out and re-evaluate the intersection and if they believe based upon the facts of this case and generally a re-evaluation of the intersection that the speed limit should be 15 miles an hour I believe they will do it.

ROLL CALL

AYES	NOES	ABSTAIN
Mr. Cusick	Mr. Cohen	
Mr. Hertzberg	Mr. Ferlo	
Ms. McDonald		
Mr. Ricciardi		
Mr. Udin		
Mr. Onorato		

AYES 6 NOES 2

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 11, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning. City Council's Legislative Session will now come to order.

We are very pleased this morning, my colleagues, we have a group of students here from the North Side Leadership Conference, they are involved in a journalism project, I believe most of the students who are here, so many of whom are in the audience today, we want to welcome them, we wish you success with your journalism project. I know you are interviewing and watching government at work, hopefully you will be good on your report card when you write about us, but we want to welcome all of you and I know the supervisor is here, Demitrius Craig, and we want to welcome you and your students and wish you well on your summer project and thank the North Side Leadership Conference for putting together this unique activity.

We are very pleased this morning, we are going to have a young woman, in fact, she is Valerie McDonald, Councilwoman McDonald's daughter. So, at this time would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world. We are very pleased that Jessica McDonald is here this morning, she is 12 years old, she is Valerie's daughter, she is also a high honor student at the Frick International Studies Program, she is going to be attending the 8th Grade in September, and she is going to be leading us in the Pledge of Allegiance.

Jessica McDonald:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. And, she is obviously from the 9th Council District. And, Jessica, our Assistant Clerk presented the flag of our nation and the flag of our great City to you as a remembrance of your time here in Council Chambers.

PRESENTATIONS

The Chair:

We have a number of guests out in the audience today, and I have one person here also, Officer Mike Gay, and I want to go first because I know he has got to get back to Zone 2. So, I will take the privilege here. I would like Officer Mike Gay and also Diane Smith to please come forward.

THE CHAIR PRESENTS

No. 2229 WHEREAS, Fred L. Franklin was a lifelong resident of Garfield and contributed over 40 years of service to the many activities of the youth and young adults of the Garfield community; and,

WHEREAS, Fred L. Franklin, was actively involved with the YMCA of Garfield; and,

WHEREAS, Fred L. Franklin provided many years of dedicated service to the City of Pittsburgh as an Environmental Services worker; and,

WHEREAS, Fred L. Franklin, while a cheering spectator enjoying one of his favorite pastimes, was stricken with an aneurysm on October 27, 1994 at Peabody vs. Schenley football game at Fort Pitt Field and passed from this life on November 21, 1994; and,

WHEREAS, Fred L. Franklin, was loved by many and was an inspiration to all who knew him.

NOW, THEREFORE, BE IT RESOLVED, that the Council of he City of Pittsburgh hereby declares Saturday, July 15, 1995 to be known as Fred L. Franklin Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you. We are also, in addition to the honor day that we will have July 15th, we want to also put some kind of a dedication plaque up at Fort Pitt Field, and we are going to be working on that with Officer Gay over the summer months.

We have two folks in the audience, probably not too many strangers here, we got Officer Mike Gay from Zone 2, also a Garfield resident, and also Diane Smith, who is no stranger here also, very active in the community of Garfield and East Liberty, committeewoman, and also she is with the Municipal Pension Board and also formally a big supporter of the Controller's Office, and she is a great lady, and both these folks to my left are niece and nephew of Mr. Franklin and I would like to have them say a few words. Diane.

Ms. Smith:

First of all, I would like to thank you, Mr. President, and also Members of Council in attendance, this plaque is warmly accepted. I feel that we need more African-American males in our communities to stand behind our youth, and my uncle was a very good example of that and I am just hoping and praying that we continue to produce men such as my uncle Mr. Fred Franklin, and we deeply appreciate this plaque. Thank you.

Officer Gay:

Thank you, Mr. Ferlo. Members of the Council. I again would like to thank you for this dedication to my uncle. On behalf of myself, the Garfield community and the YMCA, we would like to thank you.

The Chair:

Thank you. Thank you, colleagues. At this time I would like to call on Councilman Cohen.

Mr. Cohen:

Mr. President, this proclamation is from myself and Valerie McDonald and it can be read into the record. Thank you.

The Chair:

Very good. Thank you, Councilman Cohen.

MR. COHEN PRESENTS

No. 2230 WHEREAS, the Pittsburgh Flames, a chapter of the International Association of Black Professional Firefighters (IABPFF), is a fraternal organization comprised of active and retired African American professional firefighters from the City of Pittsburgh and surrounding municipalities; and,

WHEREAS, the objectives of the Pittsburgh Flames include providing real life role models for African American youth as well as initiating and increasing African American firefighters involvement in the growth and improvement of fire departments by engaging in educational, political, civic, social and community activities; and,

WHEREAS, one shining example of the constructive community service sponsored by the Pittsburgh Flames was coordinating a fire safety house summer project in various Pittsburgh neighborhoods during the summer of 1994; and,

WHEREAS, the Pittsburgh Flames is hosting the IABPFF's northeastern regional third quarter meeting at the Pittsburgh Airport Marriott on July 14, 15, and 16, 1995; and,

WHEREAS, this meeting is especially significant because 1995 marks the 25th anniversary of the IABPFF and directors from all six regions will attend as will IABPFF's President, Romeo Spaulding.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the IABPFF on its 25th Anniversary; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh

commends the Pittsburgh Flames for community activism at its best.

SPONSORED BY COUNCILMAN DAN COHEN AND COUNCILWOMAN VALERIE McDONALD

MR. COHEN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Councilman Onorato.

Mr. Onorato:

No, I am going to wait until Motions and Resolutions, Mr. President.

The Chair:

Motions and Resolutions. Are there any other proclamations to be brought before the body? If not, we will move to Presentation of Papers.

MS. McDONALD PRESENTED

No. 2231 Resolution providing for an agreement or agreements with Pittsburgh Partnership for operating and/or administrative expenses of their agency involved in a variety of community/economic development activities, at a cost not to exceed $420,000.00, chargeable to and payable from the 1995 CDBG Program, "Department of City Planning".

Also,

No. 2232 Resolution providing for an agreement or agreements with Community-Based Organizations for community and economic development planning assistance in various neighborhoods I n the City and providing operating support for these groups in an amount not to exceed $600,000.00, chargeable to and payable from the 1995 CDBG Program, Department of City Planning, "Community-Based Organizations".

Also,

No. 2233 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block & Lot 174-K-174 under the Industrial Land Reserve Fund.

Also,

No. 2234 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block and Lot Nos. 175-G-29A, 175-G-29B, 175-H-104 and 175-H-105, under the Residential Land Reserve Fund.

Also,

No. 2235 Resolution approving execution of a Disposition Contract by and between URA and Rosedale Block Cluster, Inc., for the sale of Block and Lot Nos. 175-G-29A, 175-G-29B, 175-H-104 and 175-H-105 in the 13th Ward of the City of Pittsburgh, for $1.00 plus costs – Residential Land Reserve Fund (parking/community garden).

Also,

No. 2236 Resolution authorizing URA of Pittsburgh to submit application for financial assistance in the amount of $5,000,000 to DCA for Housing Recovery Program, Neighborhood Housing Program, Community Development Investment Fund, Pittsburgh Housing Construction Fund, Golden Triangle Management, Urban Development Fund and Start-An-Enterprise Program.

Also,

No. 2237 Resolution authorizing a 1995-1996 Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2238 Resolution authorizing filing of application for financial assistance in the amount of $1,000,000 with DCA for the North Side Tenants Reorganization, Inc., Glen Hazel Citizens Association, Hill Community Development Corporation, and Oakland Planning and Development Corporation Home Program Rehabilitation Projects.

Also,

No. 2239 Resolution authorizing a 1995-1996 Cooperation Agreement with the URA of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs for State Home Program Funds.

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2240 Resolution amending Resolution No. 7 approved January 10, 1995, authorizing the Council to form an Advisory Board for the purpose of reviewing the City's Home Rule Charter; by changing the scheduling of a public hearing from thirty days to one hundred and thirty days after receipt.— **(SPONSORED BY MR. O'CONNOR AND MS. McDONALD)**

Which was read and referred to the Committee on Finance and Budget.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MS. McDONALD seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2241 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which was read and referred to the Committee on Finance and Budget.

THE CHAIR PRESENTED

No. 2242 Communication from Jacqueline Morrow, City Solicitor, submitting the quarterly report of the settlement of small claims not exceed $750.00 from the Second Quarter of 1995, payable from Code Account 1801, Petty Claims. Also, a quarterly report of the settlement of claims in excess of $750.00 for the Second Quarter of 1995, payable from Code Account No. 46, Judgments.

Which was read

The Chair:

We need a motion to receive and file.

Mr. Ricciardi:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Thank you. Are there any matters to be brought under Unfinished Business or Reports of Special Committees? Hearing none, we will move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato. We have one negative recommendation, I would like to suggest we take that first and separately.

MR. ONORATO PRESENTED

Bill No. 2243

Report of the Committee on Finance and Budget for July 6, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** affirmative recommendation,

Bill No. 2163

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $13,000 to Mary Clark Curry, c/o Mary E. Milsop, Esquire, her attorney, One Oxford Centre, 36th Floor, 301 Grant Street, Pittsburgh, PA 15219, in full and final settlement of a trip and fall accident that occurred on the sidewalk in front to 2200 Centre Avenue, allegedly resulting from disrepair, on or about June 2, 1981." Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. Obviously I will try to be brief because we have discussed this I believe in full. However, this is a very interesting case because according to the Assistant Solicitor, who was very articulate in her views, that case law and legislation, State Law, do state that we have the secondary responsibility for the sidewalks, even though the owners of the property are responsible to repair their sidewalks. However, there are other things that could be spoken about also: It's, since 1981, why was the case filed so late, what was happening in all this time; number two, was also – and I agree with you, Mr. President, and that is, why should we find the principal owners back from 1981, I think it is their responsibility to totally exhaust all avenues in order to find the person. Obviously everyone else talked about the flood gates and opening up a precedent. But, there was another thing that we did not talk about, maybe another issue, and that is, what happens if someone owns the property, has insurance, someone gets badly hurt on that sidewalk and is not secure, is not willing to accept a settlement, against setting a precedent, that they are able to come back to the City and say, sure, I sued that property owner, I filed a lien, I got their home, I got the insurance settlement, but it is just not good enough, I want the taxpayers in the City of Pittsburgh to pay. So, there is another issue that was not raised.

Now, I am going to end there because I am sure there is a lot to talk about, but I do not feel comfortable in this, I do not believe that all the taxpayers in the City of Pittsburgh should be responsible for each and every sidewalk, because that is who is paying here, it is not the City, it is the taxpayers, and I just believe that we need to test case law with -- test this certain act that has, I guess, passed by the legislature, and I feel very confident that we could win this. Thank you.

The Chair:

Councilman Udin.

Mr. Udin:

Yes, I would like to have my comments brought forward from the previous Standing Committee Meeting, and let that rest.

(REMARKS - SEE ADDENDUM)

The Chair:

Thank you, Councilman. I would like my comments brought forward on this bill.

(REMARKS - SEE ADDENDUM)

The Chair:

Councilwoman McDonald.

Ms. McDonald:

Yes, I will be voting in the affirmative for this settlement. Again, I appreciate all of the colleagues comments and concerns about setting precedent, and I agree that it is a shame that this City is secondarily liable for sidewalks, but

unfortunately this is reality, it is something that we cannot get around, we can defy it, but ultimately the courts will hold us responsible in all cases, and this is one case.

I do not believe, according to what our Council has brought forward, is that this necessarily will open up the flood gates, personally I think any governmental body such as the City of Pittsburgh is always open to flood gates of any type of litigation, it is just the nature of human beings to want to litigate against the government and to fall on sidewalks, whether you fall in a grocery store or sidewalk, whatever, people are going to fall and try to sue.

So, I do not want to hold this particular individuals, who has been waiting since 1981, for some type of settlement to suffer any more in delay. So, I will be voting in the affirmative and taking our legal counsel's advice to settle for fear that this may ultimately end up in a jury trial in which the City may lose even – we run the risk of – and it is a gamble to lose any more money. So, it is a 50/50, and right now I would like to stay on the side of caution.

The Chair:

Thank you. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I compliment the Assistant City Solicitor on this, Khadija Diggs, she did an excellent job and was very versed on the law and the facts of the case and informing us, and over the past I have generally taken the advice of the City Solicitor's Office, but on this case in particular, I am going to be voting no again on this, for a few reasons. First of all, the nature of the claim, it is a trip and fall type claim and what lawyers and judges would throw this in to, and I think I the hierarchy of your personal injury cases, from the perspective of the Plaintiff's bar, the trip and fall type of claim is one of the worse type of claims for chances of succeeding liability wise, and the main reason for that is, ordinarily there is an element of negligence on the part of the victim themselves, that is that they fell, why weren't they looking where they were going, and that kind of thing is usually brought up, and under the facts of this particular case, where it occurred in the daytime, there is even more of that element to it; also, we have no witnesses to it, which further weakens the case. And finally, the age of this claim, it is just so extraordinary that something that occurred on June the 2nd, 1981 is today brought to us for a settlement in the amount of $13,000.00, that for those reasons I will be voting no.

The Chair:

Council Cohen.

Mr. Cohen:

Thank you, Mr. President. Most of the arguments have already been made. I agree with Councilman Hertzberg, who is a trial lawyer. And, I also agree that the Law Department, in particular
the Assistant Solicitor, did a fine job presenting the law. We have another role and that is to decide on policy. And, it is not that each of these claims is that expensive in itself. This one is $13,000.00, compared to other lawsuits

that we have had, that is not as high as many of them, but my fear is that if we pay this claim for a sidewalk slip and fall case, that we are going to have hundreds more that come to the City, and if you add all of them up it is going to add up to a heck of a lot of taxpayers' money. So, I do think there is a risk both ways really, and the risk in my view is less if we vote no on this and try to win it in court.

The Chair:

Councilman Onorato.

Mr. Onorato:

I would just like to have my comments brought forward.

(REMARKS - SEE ADDENDUM)

The Chair:

Thank you. Any other discussion? I think you know how I feel on this bill. We will take a roll call vote on the bill.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Ms. McDonald	Mr. Udin
AYES 2	NOES 6

VOTING NO:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

Moving on to the remaining bills.

Also, with an affirmative recommendation,

Bill No. 2182

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Parfitt/Ling Consulting Engineers in the amount of $7,036.50 in payment of consulting services on various City projects; charging the same to Code Account EC 95-226, 3-13-95-0001-95."

Which was read.

Also,

Bill No. 2183

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Sheraton Hotel Station Square, in the amount of Nine Thousand Two Hundred Seventy-Eight Dollars in payment for the CitiParks Center Program Volunteer Program Volunteer Recognition Gala, from the Senior Citizens Program Trust Fund SCPTF, in the Department of Parks and Recreation."

Which was read

Also,

Bill No. 2184

A Resolution entitled, "Resolution authorizing the issuance of a warrant in

favor of the Gardwell Manufacturing Corp. in the amount of Seven Thousand Three Hundred Seventy-Three Dollars ($7,373.00), chargeable to and payable from the Swimming Pool Maintenance Trust Fund, SPMTF, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2185

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Geyer Printing Company, Inc., in the amount of $21,916.00 in payment of services with the printing of the Department's Summer Magazine, chargeable and payable from Code Account 1801, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2222

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 180, Personnel Administration, Section 180.01, Definitions, Subsections 180.01(a)(3) and 180.01(a)(4), by adding certain "Non-career service" positions in the City Clerk's Office and the City Controller's Office, and eliminating certain positions within the City Clerk's Office to reflect actual operations.— **(SPONSORED BY MR. FERLO)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Moving to the Committee on Public Works, Water and Environmental Services, Councilman Ricciardi.

Mr. Ricciardi:

Mr. President.

The Chair:

Thank you, Mr. Ricciardi. I think there was a tabled bill from last week's agenda that did not have the necessary votes for a warrant, if somebody from the Clerk's Office could bring it out we will try to deal with it. If anybody is listening in the Clerk's Office, maybe we can –

MR. RICCIARDI PRESENTED

Bill No. 2244

Report of the Committee on Public Works, Water and Environmental Services for July 6, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2169

A Resolution entitled, "Resolution granting unto the Board of Education, City of Pittsburgh, Office of Business Affairs/Facilities, 155 North Craig Street, Pittsburgh, Pennsylvania, 15213, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sewer lateral easement under a portion of the sidewalk on the north side of Forbes Avenue in the 14th Ward, 8th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2170

A Resolution entitled, "Resolution granting unto Nova Dental Associates, P.C., Attention Michael Wolff, 4600 Liberty Avenue, Pittsburgh, Pennsylvania, 15224, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fire escape on a portion of the right-of-way along Taylor Street in the 8th Ward, 7th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2197

A Resolution entitled, "Resolution granting unto Starbucks Coffee Company, 1120 Smallman Street, Pittsburgh, Pennsylvania, 15217, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on Shady Avenue in the 14th Ward, 5th Council District of the City of Pittsburgh."

Which was read.

Also,

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

(MR. O'CONNOR ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2198

A Resolution entitled, "Resolution granting unto Chris Oberst, 1433 Forsythe Street, Pittsburgh, Pennsylvania, 15212, his successors and assigns , an encroachment to construct, maintain and use at his own cost and expense, a set of steps and fence into a portion of the right-of-way on Casement Street in the 27th Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2216

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for street

resurfacing programs such as ultra thin hot mix asphalt, hot mix asphalt, crack sealing, micro surfacing, sawing and sealing, nova chip, flexible pavement, asphalt milling and truck rental, at a cost not to exceed One Million Six Hundred Eight-Seven Thousand Eight Hundred Ninety ($1,687,890.00) Dollars, chargeable to and payable from Code Account 3-01-01-0001-95, Citywide Resurfacing Program."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2245

Report of the Committee on Parks, Recreation and Youth Policy for July 6, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2186

A Resolution entitled, "Resolution providing for an agreement or agreements with Burns Computer Service for the purpose of providing professional services for the 1995 Great Race/Finish Line for the Department of Parks and Recreation. The total cost shall not exceed $17,100.00, and shall be chargeable to and payable from Code Account SPP, Special Parks Programs Trust."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi

Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees, however, last week there was a warrant to be paid, it was another one of these claims. If you remember, it was Bill No. 2161. This involved the payment of a warrant in the sum of $27,500.00 to I believe an elderly couple who now lives, I believe, in Florida. This involved the trip and fall at the bottom of the Zoo Walkway back in -- several years ago and it did not have the necessary -- I believe a majority voted for it in the Standing Committee but I think because of a couple folks being away, it did not actually have the necessary votes. What is the pleasure of the body? Do you want to put it back on the agenda now for a vote or do you want to -- I will entertain a motion, if it is appropriate.

Mr. Ricciardi:

I will make a motion to untable.

MR. HERTZBERG seconded the motion.

The Chair:

There is a motion on the table to untable Bill 2161. All in favor of untabling the bill?

WHICH MOTION PREVAILED.

The Chair:

And, at this time I would ask the Clerk to read the bill and then we will take a vote on it, or if you want to recommit it for further discussion, whatever --

Bill No. 2161

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $27,500.00 to Edmund Rafalko and Jacqueline Rafalko, his wife, c/o William A. Weiler, Sr., Esquire, Weiler & Weiler, 4762 Liberty Avenue, Pittsburgh, PA 15224, in full and final settlement of alleged personal injuries regarding an accident occurring on the Pittsburgh Zoo Moving Walkway, on or about April 17, 1992."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I believe a couple of us voted no. I think Mr. Onorato and myself voted no. The majority I think actually voted in favor. There was a lot of evidence presented by the Solicitor about the fact that it was clear to the Administration that they knew that there was a problem with the elevator, or the escalator and the conditions were, rainy day and someone tripped. I think there is more involved and I think we should pursue it legally in a court, but it is the pleasure of the body. Any discussion, or what is the pleasure of the body? Councilman O'Connor.

Mr. O'Connor:

This was when it was under the City ownership, and if any future falls or slips now, we would not be responsible; is that correct?

The Chair:

Well, we are technically held harmless in that lease and the zoo was required I think to put up a couple million dollar liability, but --

Mr. O'Connor:

I think they have a million dollar umbrella, whatever.

The Chair:

I guess no matter what, we are probably always going to be named in suits, whether -- I think probably similar to the golf course and anything else. I guess if any attorney is out there, they are probably going to attach anybody who is -- in relationship to the issue. But, no, I mean theoretically I guess in the future the Zoological Society would be --

Mr. O'Connor:

Well, they have at least a million dollar umbrella, if not more, I cannot remember the figures.

The Chair:

I think a couple million dollar. The golf course I think we increased the liability a few million.

Any discussion? If there is no objection, then we will just move on this bill today. At this time I would ask the Clerk to take a roll call vote on the bill.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	

AYES 7 NOES 2

VOTING NO:

Mr. Onorato	Mr. Ferlo (Pres't)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, are there any issues or matters to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

Councilman Onorato.

Mr. Onorato:

Yes, I would like to read a resolution here, that hopefully we have unanimous support here, it is on a positive note, and maybe we can get the City to rally around the franchise. Let me read it and we will talk from there.

MR. ONORATO PRESENTS

No. 2246 WHEREAS, on Saturday, August 5, 1995 Bruce Keidan and the Pittsburgh Post Gazette will be sponsoring a "Ballot by Ballpark" evening at Three Rivers Stadium; and,

WHEREAS, the idea behind the "Ballot by Ballpark" is a community response to our baseball franchise's struggle for survival; and,

WHEREAS, on June 4, 1985, Bruce Keidan asked the Pittsburgh community if it was willing to demonstrate its desire that Pittsburgh remain the home of the Pirates by attending the June 4th game. He stated that "we can answer that question without a referendum. We don't need a ballot to do it. Three Rivers Stadium can be our ballot box. The turnstiles can count the votes." 31,384 individuals responded to his challenge; and,

WHEREAS, Bruce Keidan is once again asking the Pittsburgh community to turn out again in a gesture of solidarity on the part of all people who love the game of baseball by attending Three Rivers Stadium on Saturday, August 5, 19945; and,

WHEREAS, Pittsburgh City Council wholeheartedly supports Bruce Keidan and the Post Gazette's challenge to the residents of Pittsburgh to turn out for the "Ballot by Ballpark" evening at the stadium as a way of making the voice of those who love baseball heard; and,

WHEREAS, baseball does not belong to club owners or to the players but is the property of the individuals who love the game.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh urges Pittsburgh residents to come out to the ballpark on Saturday, August 5, 1995 to demonstrate our desire to have Pittsburgh remain the home of the Pirates and to keep baseball in the City.

MR. ONORATO moved to adopt the resolution.

The Chair:

Council has made a motion. Is there a second?

MR. O'CONNOR seconded the motion.

The Chair:

Second and discussion. Councilman Onorato.

Mr. Onorato:

I would just like to add, as a Member of the Stadium Authority, I will be working with my colleagues at the Authority to help publicize this. This should be -- the point that should be made clear here today, forget about the sides, who is fighting and who is doing what and where it is going and who is going to own it, this is about just keeping the franchise

and supporting the franchise and showing support for major league baseball in this town, and we can work through the details later, but this is just a way for the fans, who continue to show their protest and frustration over the prior year's strike, rightfully so, and the disgusting movements that have been taking place over the last several months with the strike, with the sale, with everything, but this is just one day for everyone to come together to say, if we get our act together, that we would like to see the franchise remain in Pittsburgh. And, August 5th, 1995, Saturday, is the date, and I am sure you are going to hear a lot more about that date as we approach, and I would hope that everyone would take one day out of the summer to just show support for this franchise, because I believe it would be devastating to this City if we lose it.

The Chair:

Any other discussion? I will vote in favor of the good spirit of the resolution because I do think we should rally around the flag as it relates to the Pirates. However, I personally feel, and I think it is clear, the Pittsburgh Post Gazette has kind of consciously launched a propaganda blitz as it relates to the Pirates. I think they clearly have written front-page articles when really there even has not been that much news to report in the last several months on this continuing saga regarding the Rigas situation; they consciously run editorial cartoons; they have consciously and repeatedly have run actual written editorials on the Editorial Page and now more recently we see in the last few days, the so called "Pirate Memories", which occupy the front page, trying to rally around the Cooperstown, New York kind of enthusiasm that one has for baseball, baseball played in the good old days. I applaud the Post Gazette for that but I think what the Post Gazette should do and the people that should be around those turnstiles, not just the fans, who repeatedly have supported the team, I think the people that need to go to the turnstiles are some of the larger businesses and larger corporations, they are the ones that better rally around this Pirate Team at this point, not solely resting the burden on the shoulder of the fans.

If the corporate community, which has consciously throughout of its resources has made a decision to keep the Pittsburgh Symphony and various cultural amenities here, and if you look at Jacob's Field and all the other good work that has gone on in other urban areas around the country, if that corporate community is not going to clearly express itself right now, as it relates to the Rigas offer and the other negotiations that are going on, whether it be corporate medallions, whether it be playing up and becoming part of equity investors with the Rigas offer, or whoever else, then I think

-- I guess what I am trying to say is, it is nice to pass this resolution, I wholeheartedly support, I will sincerely support it, but the fact of the matter is, the folks that need to come forward right now in this period economically, in addition to the fans, is the corporate community, they need to be anteing up right now if they want to help maintain and keep the Pittsburgh Pirates here and major sports.

So, with that kind of advisory comment, Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President, but I just want to – I am trying to avoid those types of comments, even though I agree with everything you just said, and I think we all agree that both sides have to come together for what is best for the franchise. What this does though is that we recognize that the fans have effectively shown their frustration and rightfully so. Attendance all across the country is down, people are just disgusted with the way baseball is being played and the way it is being presented and just the ownership structure, the pay scale, whatever it might be. But, what this day will do is that we can use it as setting as strong signal and the fans can send a strong signal that if baseball can get its act together and if the City of Pittsburgh can get its act together and if the current ownership can get their act together, and we can talk about a new stadium, if we get all that together, that there is fan support out there for a franchise, that shows some kind of consideration to the fan, I am not in any way, and this does not reflect any way harshly on the fans, I think what they are doing is actually helping put the pressure on, this would just be one way, one day to show that Pittsburgh, the region, can support a team when a good product is brought forward, and the good product starts from the ownership all the way down and includes the City leadership also.

The Chair:

Thank you, Councilman. Other discussion? Councilman Cohen and then Councilman O'Connor.

Mr. Cohen:

Thanks, Mr. President. I support the resolution very strongly and commend Bruce Keidan and Dan Onorato for bring this up here. We have to show support for our team, we have to show it in greater numbers than frankly any other city. Because what we are doing here is we are fighting against a trend that is continuing, and that is a trend of losing economic clout. We cannot lose sight, it seems to me, of the big picture here, and the big picture here is whether or not Pittsburgh has the economic clout to sustain a major league baseball team, that is what it comes down to. We have lost more jobs and more population and more per capita income in the last 15 years than any of the top 25 cities in the country. We have got to turn that trend around. The only way to keep the Pirates in Pittsburgh in the long run is to restore our economic clout. That is what has got to be done.

So, I certainly support this August 5th rally around the Pirates because it is necessary and we have got to have tremendous local support more so, as I said, than any other city, because we have got to bring people out in greater percentages and in greater numbers than other cities do, because frankly other cities of similar size are doing better than we are. We talk about Jacob's Field and we take about Baltimore's new field -- what's the name of Baltimore's field?

The Chair:

Camden Yards.

Mr. Cohen:

Camden Yards. Thank you. – Camden Yards in Baltimore. Cleveland and Baltimore are doing better than we are economically, they are, and we have got to recognize that fact and turn it around and turn economic growth around, whether it is the Development Fund, or the Pittsburgh Growth Initiative, those things that we are working on. It seems to me that is the story that the newspapers have been missing and the electronic media have been missing, and that is the way to keep a major league ball club here is to restore our economic clout.

So, yes, let's go to the game on August the 5th, and let's keep pushing for one owner or the other, but unless we have got that economic power we are not going to keep a team here.

The Chair:

Thank you, Councilman. Councilman O'Connor.

Mr. O'Connor:

I just want to second – thank Mr. Onorato and Bruce Keidan I think for bringing this to our attention. I am reading the resolution and the one short two lines really draw some attention, "Baseball does not belong to club owners or to players," and I think that really speaks highly of – it is the truth, and especially now, players come and go every year, no matter – it is a trend now, not like in the '60s, when somebody stayed, or '50s, when they stayed - for their whole careers and everybody grew to know and love them. These players come and go and it looks like club owners come and go, whether they be corporate communities or some rich guy who happened to have a lucky father that he can go out and buy a team.

So, this sport does belong to the players, I certainly support it. What we are trying to do here, I think if we show and we pack that stadium, we show that people -- although we are upset with what is going on, not just now in Pittsburgh but in the last couple of years, people are fed up with the players, the owners, the attitudes, they will change, no matter what happens here, whether this team stays or leaves, it is going to go back, players are going to play again, they are going to be more responsive to the fans, it may take another five, ten years but they will get it in line. I think our big point is to make sure Pittsburgh still has a team, whether who owns it, is another story, and we can argue and debate that, but if we show there is a need in the market by people going to the games, whether these owners or a new owner, it would certainly send a good positive message that that product is still wanted and need here, just like you say, with the opera – if nobody went to the opera, the corporate community would not support them either. If people start going and showing interest, with the couple million people we have in this City, if we only go a few more times a year, if it was back to normal, we could -- well, in the City, the region I am referring to. At one time the Pirates, when they were drawing two million, they would have drew -- two and half – the average fan goes four times, if that fan went one more time, we would have drew two and a half million. So, it is not hard to draw two and a half to three million, but it takes a whole changing attitude of baseball. Unfortunately, it is on the fans' back a little bit here and I think this is a good message they have to come out and show support. No matter what

happens down the road, the community or whether it be new owners or the business community, I think will send a good message to them that we want baseball, we would like it under our terms, with good solid citizens and good ballplayers and at reasonable price.

So, I certainly support the idea, and I know I will be there and I hope other Councilmembers will join Mr. Onorato; we should all be there to show the support.

The Chair:

Let me just clarify something. I am all for the resolution but I guess maybe I am being somewhat of a purist here and maybe it is inappropriate on my part, but my problem is, if we just relegate this event to be this kind of mindless show of support. Rallying around the Pirate flag is all well and good but tactically we are at a point right now in this City where I think and what I am asking is, let's rally around the stadium and rally around the Pirates but let's do it in a politically correct way, and I think tactically we are at the point right now where Rigas' deal is the one deal that we should be rallying around, I continue to make that argument. If the McClatchy group takes hold, you may as well recognize, the team is going to be out of here and they are going to be in California or some other major market, and my only point is let's rally the troops but let's have the troops articulate and let's educate those troops about what needs to happen right now. The current Pirate investment team, the one way for Mr. Rigas to have more equity up front is for them to waylay their investment or continue to roll over the investment that they have in now or other corporate sector community folks need to come forward.

So, I am all for this event but to just bring folks out and rally around the Pirate flag, without educating them and helping them rally around some politically correct themes, I think is not going to be the most effective event. I just wanted to clarify that.

Councilman.

Mr. O'Connor:

I agree with you, and I think you are right, this is one separate issue, just to show that baseball is still wanted in Pittsburgh, or there is the desire for it. You certainly bring up a good point. And, we as politicians and leaders should be coming together with the Mayor and working much closer to solve this problem, which for whatever reason we have all wondered out. This whole situation has gone too far and there is enough blame to go around for everybody and if we are smart we would probably share that blame. But, that is a whole different issue I think for another day; that we should be rallying around and keeping the team here. But, if we keep on this, I think this is just a -- and I will let Mr. Onorato speak for it because he introduced it. But, I think this is a different issue to show that baseball is still needed here.

The Chair:

Councilman Onorato.

Mr. Onorato:

Actually I would rather have the closing comments.

The Chair:

Sure, no problem. We will let you have the closing comments. Councilman Udin, Councilman Ricciardi.

Mr. Udin:

Yes, I support the resolution to declare a day at which Pittsburghers come out to show their support for the Pirates staying in Pittsburgh; however, there are a number of people, no small number of people who will not be able to join us at this show of support because they cannot afford to buy a ticket, they cannot afford to get in, they do not have jobs, and it is very difficult for people who are unemployed, been searching for employment for a very long time, to find the relevance of the enthusiasm for the Pirates staying in Pittsburgh. I realize that the Pirates is an important part of the economic fabric of the region, and that African-Americans and other poor people benefit to some degree from the Pirates' activity, the Pirates' play, especially when the stadium is full and the businesses that surround the Pirate games, are flourishing, it does provide some opportunity. But, I would caution all of us to remember that the Pirates is not the only economic factor and as we bring forward other issues related to the economic conditions, especially the high unemployment among African-Americans in this City, I expect the same kind of enthusiasm from all of my colleagues, especially for the support of corporate Pittsburgh in responding to the challenge of providing employment and work for people who will not be able to join us at this happy time at the ball park.

Mr. Ricciardi:

I support the resolution today. I thank Mr. Onorato for bringing it forward. I will be attending August 5th, because I realize that the Pittsburgh Pirates in this town are an economic generator, just in terms of the tax revenues that we collect, the Parking Tax, the Amusement Tax. Let me say that also I think this resolution we should send out to all the community groups, all the local newspapers and business groups throughout Allegheny County. I would ask our City Clerk staff if they could please do that work for us.

Let me also say that I am looking forward to seeing the voting at the Three Rivers, because I believe that the promoters must realize that this is a double-edged sword and the voting on August 5th can cut both ways, and I am looking forward to seeing the numbers at that stadium. Thank you.

The Chair:

Well, I think we may also want to send this resolution to some of these ballplayers of the Pirate Team, maybe they want to buy some tickets for kids from Irene Kaufmann Center or Boy's and Girl's Club or other places around the City.

Councilman Onorato.

Mr. Ricciardi:

That is a good point, Mr. President, and I think we should follow up on that, not just state it, and maybe we could work with our City Clerk staff on that note also.

The Chair:

Let's go to Councilman Hertzberg and then Councilwoman McDonald and then we will let Mr. Onorato close out this resolution.

Mr. Hertzberg:

Thank you. I want to commend Councilman Onorato, especially since I now hear that he has convinced Councilman Ricciardi to go see a Pirate game, you really done a great job, Dan.

I really think this is a great way and the best way for us –

The Chair:

We'll tell him the "Grateful Dead" were playing afterwards, that's all.

Mr. Hertzberg:

But, I really think this is a great way for us as public officials in this City to demonstrate our support. I think this is the right thing to be doing. I am not so sure if some of the other things that have been going on are the right thing. We have been going on through this process now for a year and a half or so with the Pirates, and the amount of speculation about what has been going on and what is basically a transaction between one large business and some potential owners, it has just been wild. The City's part in this really was, number one, we are -- or the Stadium Authority has the lease on the stadium. I mean so that is going to be. If they change ownership, we have a new tenant. And, we are also the holder of the some loans, and that is it. Now we are at the situation where you have one ownership group negotiating a business deal with another ownership group, and it is large business deal, an 85 million dollar deal, and the speculation about what is going to happen and who is going to end up buying, it is just that, it is total speculation, and I am going to try to stay out of that.

But, here, to show that I support continuing to have a professional baseball team, the Pirates preferably, in the City of Pittsburgh, I am most happy to do that, and by supporting this resolution and going to this ballgame, I am not saying I support our current owners or their position, whatever it is, or any proposed owner and whatever their position might be; I am not saying I support these athletes and the salaries they are making; I am not saying I support their current labor situation or lack of a labor situation, lack of a salary cap, lack of revenue sharing, and I am definitely not saying that I support taxpayer financing of baseball in Pittsburgh or taxpayer financing of a new stadium.

Mr. Onorato:

Thank you.

The Chair:

Thank you, Councilman.

Mr. Hertzberg:

But, I do want the Pirates to stay, and I think this is great.

The Chair:

Could someone clarify for the body who they are playing on August 5th, by the way; do we know?

Mr. Onorato:

That is irrelevant, Mr. President.

The Chair:

Councilman.

Mr. Onorato:

They are playing though.

I think Councilwoman has a comment first, or no?

The Chair:

Councilwoman McDonald. Excuse me.

Ms. McDonald:

Yes, I do.

Mr. O'Connor:

Astros.

The Chair:

Who?

Mr. O'Connor:

Astros, the Houston Astros.

Ms. McDonald:

There may be a community event in my district, a major community festival. So, I am not sure about my attendance, though I have attended the games this year, not all of them.

But again, I think we all have shown that we support the Pirates staying in Pittsburgh, and I am just curious that -- I support the resolution; I think it does not hurt to rally behind the Pirate flag, as Councilman Ferlo so eloquently put it, and it is true, he said, it was purist, it is true, he is breaking it down to hard facts, nothing is wrong with that. But, I just want to know how many times we are going to have to show the owners and whomever that people would like the Pirates to stay in Pittsburgh. How many times do we have to show that? I mean this is another time. I think that the owners know very well how the residents, how Council, how the Mayor, how many officials and the community in general feel about the Pirates staying in Pittsburgh. Yes, we want them to stay in Pittsburgh. But, I think that a lot of the rigmarole that is going on right now is out of our jurisdiction. When we talk about the fans -- and we can look at all types of sports -- we can talk about love and passion and loyalty, listen, it's about money. Each one of those fans represent money and the more fans there are, the more money that is involved, and it is a shame that sports has come down to a money making venture, period. We can talk about the other stuff, it seems nice, and we are out there passionately, but believe me, those owners and whomever have major stakes in that team; they're looking at it from a money aspect.

So, again, I am basically out of it. I want the Pirates to stay but right now, I say, let the owners negotiate, let the dust settle. I am just waiting for the dust to settle and I hope it settles soon, so that everyone can get on with their lives, for crying out loud.

But, I also want to mention that we have other teams. We have the Piranhas, a basketball team, that maybe we need to look at and regardless of what happens. I want the Pirates to stay, if they stay or they do not stay, we have other teams that we also need to look at that could be a major entertain source of revenue for the City of Pittsburgh and hopefully I will be able to be discussing that soon.

But again, I support it but I am just waiting for the dust to settle.

The Chair:

We will let Councilman Onorato have the closing comments on his resolution.

Mr. Onorato:

Wow, this resolution says a lot more than I ever printed on it.

Let me just say, with all due respect, Mr. President, you totally missed the point today of the resolution, and let me explain why.

The Chair:

And that won't be the first time.

Mr. Onorato:

A year ago -- one year ago this week -- one year ago today, as a matter of fact, this town had the national spotlight shining on it, and, boy, we were shining, it was a great day in the City of Pittsburgh, with the All Star Week being here, and I know all of my colleagues can remember, and you saw all the fans that day, FanFest, you saw all the activities for a whole week here, and we had the national cameras showing this country how great Pittsburgh was and what we had to offer to this country and how much baseball meant to this region.

All this proclamation does today is recognize one day to the most important people of this whole franchise, and that is the fans.

Councilwoman McDonald made reference to everyone knows how we feel, how the government feels, how the ownership feels. Well, we are all sick and tired of hearing from us, from the owners, from the future owners. This is just one day to just put everything aside and to allow the fans an opportunity to say what they would do if all of us would get our act together around here, including the owners, some future owners, whoever it might be. And, if revenue sharing one day is achieved with salary caps, that this market can keep a team here and can be very profitable.

I just want to make a few comments on some of the things that were said. As I mentioned earlier, Mr. President, your comments, I do not think anyone here disagrees with, but today is not the day to bash the current owners, today is not the day to bash the

Administration, it is not the day to bash Mr. Rigas, it is not the day to bash a future owner from California. Every one of us have a different view on those four categories I just mentioned, some of us support one side more than the other. None of us are wrong and none of us are right, we all have our beliefs. But, I think the one thing that all nine of us in this region agrees on, it sure would be nice to keep the franchise in Pittsburgh, and to keep the franchise here and to let the fans in the future generations enjoy what we enjoyed, what our fathers and mothers enjoyed and what their parents enjoyed before us.

This is one day that the fans of this region can step forward and actually have a significant impact on this franchise, and they can forget about the disgusting news they have to read every day about the million dollar ballplayers, the bickering between ownership, the bickering between elected officials, whatever it might be, to just talk baseball. Let's talk about the franchise being here and let's see what the fans want to do.

Councilman Udin is absolutely right, there are a lot of people that cannot afford to be at the game. Currently I have already talked with the Pirates, we are going to be talking with the idea of the players, the corporate community and providing some tickets to people that are less fortunate than we are to get to the game.

But, at the same time --

Mr. Udin:

They would rather have jobs.

Mr. Onorato:

But, at the same time -- Mr. Udin -- and I still have the floor. -- the same time, people who cannot afford and do not have jobs, that does not mean that we say, let's don't talk about putting ALCOA's headquarters here and keep them in Pittsburgh, let's don't get rid of the symphony, let's don't get rid of the Cultural Trust District, whatever it might be. These are all little pieces that make Pittsburgh a great place. We have a great economic problem in the African-American community here, if you look at the recent report that came out. That is something we have to deal with and hit head on, but at the same time we cannot ignore the other items that are out there. Just because we have a major problem here that is a disgrace for all of us here that we have to address, we still have to address it but we cannot throw everything out in the meantime. It is all part of a bigger puzzle and these are all pieces to that puzzle, and right now the Pirates are on the hot seat; this franchise is in jeopardy.

This is one time to put all the negative behind us, for one day of the year, just for one day. Let's forget about the negative arguments and the bickering that takes place all across this City and let's just talk about the Pirates. This one day could be such a huge psychological boost for this franchise -- and when I say "franchise" I mean baseball in Pittsburgh, I do not mean individuals. Baseball in Pittsburgh. This psychological boost, if we get 40,000 there on one day, and you had 8,000 the day before, and 5,000 the day after, those fans have sent a signal to all of us here, to the owners and to Major League Baseball, that Pittsburgh is ready

for a franchise when you get your act in order. And, that is all I am asking, and I do thank every one of you for supporting this, and I hear your concerns, but those concerns and issues should be addressed on a different day. August 5th is going to be fans and keeping the franchise here and baseball.

And, everyone should know, that the issues you brought up, Mr. President, are taking place today, tomorrow and will be taking place all the way through until a new owner is decided on, and that is to be discussed on a different day, a different hour. Today, August 5th, we are asking everyone to come out to show their support for keeping Major League Baseball in Pittsburgh, because I think in the long run it is going to help this City grow, it is going to help corporations want to stay here and it is going to help provide jobs. It is part of creating an atmosphere that corporations want to be here and want to bring employees here. And, this is just as important as a Cultural Trust District, it is just as important as the other sports franchise, and losing the Pirates would be a – I think a black eye on this City that would take many years to recover. So, that's hopefully that August 5th that we can get the word out and we can get everyone at the stadium. Thank you.

The Chair:

Thank you, Councilman. All in favor of the resolution.

WHICH MOTION PREVAILED.

The Chair:

Motion carries. August 5th, be there.

Any other matter to be brought before the body? Councilwoman McDonald.

Ms. McDonald:

Yes. Thank you, Mr. President. Just very quickly, concerning the tragedy that happened, the second tragedy that has happened in my district in just a year with the Homewood Pool and a little boy named Ernest Everetts, seven years old, dying. First of all, I want to commend our Public Safety staff, I want to commend Zone 5, Officers Curges, Reed, Haggerty and Burns, for their efforts in trying to save that little boy's life. I am commending our paramedics and our Fire Engine Company No. 17, for their very quick response on this matter, I think they tried very diligently. But, of all the efforts, we have eight to eleven pools out of approximately 32 in the City of Pittsburgh, that have recurring problems of vandalism, fences being torn up, people just coming in to swim late at night. In spite of all this, I think the bottom line is, at this point I do not think the City can be held that liable for that little boy's unfortunate death, this was truly an accident. That fence has been cut and cut and cut. I have had residents from that area, as well as people who go up to the ball field to coach kids, to mentor kids, and they say it is always vandalized, that fence is constantly cut.

So, I am not recommending a 24-hour watch at this time. I mean I swam when I was little and we knew better, you better not be at that pool after hours, otherwise -- in fact, you're better off in the pool than to have your grandparent or your parent come out there and snatch you and drag you back. But, I am not

recommending any physical alterations, any major differences at this time, pending the Administration coming back, and I would hope that this would be done through our Parks and Recreation Committee under the Chairmanship of Councilman Hertzberg. I will wait for the recommendations.

But, I am recommending a pool watch for those residents. Those residents need to coalesce, organize and at least one person or so go up to the pool and for five minutes – just go up and see if you see anyone. If you see anybody or hear anybody in that pool – and I am talking basically to the listening audience – if you see anybody, call the police. I think that Zone 5 and Chief Buford, have been very cooperative and knowing that we're going to have to beef up patrols in that area, to do just a drive through, just to look in and see who is in the pool. Zone 5 should be more responsive, they have been responsive, this is not a criticism, this is just urging them to even do more than what they have done in the past to make sure that that pool is safe and to also send out a message to all pools throughout the City. I mean probably all of us have an area in our neck of the woods that we have a problem with.

But, ultimately, ultimately, we are going to have to have water safety course, and this is where I will be talking with Councilman Hertzberg and the Administration – don't look like that, Alan –

Mr. Hertzberg:

We have them.

Ms. McDonald:

Well, okay. Well, we are going to have to beef them up because I am not aware of any in the Homewood Pool. Swimming lessons right now need to be advertised more, right now they are at a minimal cost for some residents, they need to be no cost. If we are going to allow those kids to swim in the pools and take on that liability, then we need to make sure that they at least have basic water safety. It should be mandatory in my eyes. Mandatory water safety course, or at least some swimming lessons that are affordable to a lot of residents. And, again, that is not a criticism because Pittsburgh swimming classes are very cheap, they are about the cheapest you can find, but even then it may be over the head of some residents.

Also, ended up, I was talking with my dad, who goes back a long way, and he had mentioned, he says, you know, this is nothing new, hon, he says, we used to go to the pools late at night, we used to break through the fence, climb the fence, do whatever; I said, well, why did you go? He said, two reasons. One, he says, we were hot, we had no recreation, and we had no other choice, the pools were closed, they close early in the day, by 6 o'clock, 7 o'clock, 8 o'clock, it is still hot in the summer time, it is still light outside and we wanted to have a swim, why couldn't we swim, so we had to just do it ourselves. And, the second reason is, they ended up going to some pools back in those days who were segregated, and just out of spite, swam in them, put their little black bodies in there, said, now, we're in this white pool. So, they integrated it after hours sometimes, just for spite.

But, this is a major problem. We do not have enough recreational facilities. People say, well, how do these kids keep breaking through the fence? They want somewhere to go; they want somewhere to play; they want somewhere to swim. Simple. And that is why they do it, because the pool is closed and they just want to go somewhere. That does not condone them breaking in. Back in my days, again, I would have been better off at the bottom of the pool than to have my grandmother or my grandfather coming up there, finding me, and you know what they would do, all the way home.

But, again, it does not condone the vandalism, but at the same time, we really do have to take a look at extended hours, possibly, maybe the use of the Pittsburgh Public Schools, within their buildings, year round. It may cost some money, but Reizenstein had a family swim that my family attended. Two years in a row we attended that family swim. So, there are a lot of things that we do need to look at as to why kids climb the fence, break through the fence. They need extended hours of recreation, bottom line. And, we cannot let this little boy die in vain because I am going to hold the community also accountable, that we have to start looking after each other's kids. I am getting sick and tired of people saying, well, I'm scared to talk to somebody else's kid because the parent may say this. Take a chance and talk to the kid, take a chance and squeal on the kid, take a chance and say, I'm going to tell your mother, or I'm going to call the police. Take a chance. If we do not start looking after each other's kids, like when I grew up, I mean you got it twice, once from the neighbors and once from your parents or grandparents, or whoever, then the community is never going to recover incidences like this.

So, again, I urge the community to coalesce and I urge the City to take a look at possibly extension of hours for recreation facilities. Thank you.

The Chair:

Thank you, Councilwoman. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President, and thank you, Valerie McDonald, for bringing this up. I just want to speak to the Public Safety aspects of the Homewood Pool tragedy. I spoke with Deputy Mayor Sal Sirabella and the Chief of Police Earl Buford at our regular Public Safety Meetings, and obviously this was a tragedy whenever a young person is killed in a situation like this. But, I do agree with Councilwoman McDonald that it is not a time to criticize the Public Safety personnel, I think they did everything they could possibly do. The kids ran and got a beat officer, that beat officer jumped in to the pool with his uniform on and did everything he could, CPR, et cetera, and it just did not work. Beyond that, the fences, as I understand it, are checked every – by the way, I am just speaking to the Public Safety aspects, I will leave the Parks aspects to Councilman Hertzberg. Obviously there is some overlap between the two. -- but, the fences checked every morning, there are lights there for security. Chief Buford said that he would beef up the patrol around the pools. We used to have a pool patrol, as you know, Mr. President. The officers then were assigned to the zones. We might have a policy

discussion here with the Administration as to which was is better, but Chief Buford is beefing up the patrols around the pools, especially now that the temperatures are getting even hotter and are expected to be very hot over the next few days. But, beyond that, frankly I am not sure what else can be done. I agree with Councilwoman McDonald that having neighbors help neighbors really is necessary, but the public safety part of it, I cannot fault them, Mr. President, I think they did a good job.

The Chair:

Thank you, Councilman. Councilman Udin.

Mr. Udin:

Yes. I do not want to detract from the tragedy of the incident in Homewood but it does remind me of just two incidents that I experienced two days in a row, on Sunday and Monday, of visiting two swimming pools, one in the Hill District and one on the North Side that were both complaining of shortened hours because of the unavailability of lifeguards. And, in one situation it was explained – I have not checked out the truth of it – but that there are some lifeguards in the system that are unwilling to go to certain neighborhoods and as a result those neighborhoods are deprived of sufficient lifeguard personnel and it shortens the hours of when the pool is available to the kids. And, that was one of the reasons why it was explained that if the pool is not opened a sufficient amount of time during the regular days, the kids are prone to come in to the pools overnight.

So, I think that there is something to be examined relative to the personnel and staffing. I certainly want to check out the personnel and staffing of the pools in my district, as well as what other physical constructs around the pool might facilitate easy access in to the swimming pool. I witnessed one wall as a barrier to the pool and on the other side of the wall there was a long line of hooks, where children put their foot in the hook and just pop up over the wall very easily. A three or four foot child could easily do that. I intend to find out what the purpose of those hooks in the wall is, I think it is like bicycle racks or something like that, but the actual functional purpose of it is that it is a step over the wall to get in to the pool after hours. I am surprised that there are not more tragedies that are occurring in swimming pools after hours.

The Chair:

Thank you, Councilman. Other discussion? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. My sympathy goes out to the young man who died, it was very tragic. Around swimming pools and different bodies of water we often see these kind of tragedies, and I grew up around pools and unfortunately witnessed a few other tragedies around them. As much fun as 99 percent of the people have around bodies of water, they are also very dangerous, and this is probably not the last kind of tragedy that will happen at a pool, whether it be a City-operated pool or somewhere else, but it is our job to try to avoid all if we can and as many in the future and we will try to do that at Parks and Recreation.

I would note that this year we did make some improvements when it comes to hours of operation. First off, we opened Labor Day this year -- I am sorry, Memorial Day -- I got my summer confused there. We opened up on Memorial Day this year, which was change in policy. We opened four pools on Memorial Day. So, we got some more days in. We also got away from the evening break. We now no longer have evening breaks at the pools, so that the pools remain open continuously during the hours when they are open.

But, the undercurrent that I am hearing on the pools is that we just have too many of them in the City. I do not agree with that, but this is some of the scuttlebutt that is floating around, knowing that the trend is to regionalize the whole thing, and in fact that the opening of the four pools early was kind of a trial balloon kind of thing, to see how that would work. And there are proposals floating around there to turn the City in to basically what we see in the County, which is a limited number of large regional pools. It would certainly make some management of them easier but it makes access to our residents, those without good transportation, the kids that are used to being able to walk to the pool in the summer, it makes that very difficult for the majority of the people and I would be against anything like that.

The Chair:

Thank you, Councilman. Other discussion? Thank you for your comments. On another matter, Councilman -- on the same matter. Excuse me. Councilman O'Connor.

Mr. O'Connor:

Again, it is a tragedy when a child dies like this, we all have concerns and I think we have to fix a problem. No matter whose fault it is, that fence is open, the child got there at an early hour, I would imagine. As Valerie said, I guess everybody in this room that grew up in Pittsburgh climbed a fence at one time or another to go swimming, but usually it was late at night, and to be honest with you, I was a little older when we did it and maybe after we had a few beers, so in most cases we could swim, but in this case, with a fence and young child, we have to guard these -- protect these things at least till 10 o'clock at night or 9 o'clock, before dark. The extended hours, I believe most of the pools are 7:00 to 8:00, but a lot of good -- Valerie brought up a good point, if -- the month of August, if it looks like a heat wave, why not have the pool open till 9:00, basically it would cost another 20, $25.00, that's all, an hour with the staff. And, if not, or -- I like what you said about the community getting involved. This community all over talks about getting involved but nobody gets involved. Very few people, you will find in every community it is the same one or two people, or one or two percent, and as far as correcting children like we used to, you cannot do it anymore, because if you look at a child the wrong way, and that is in my neighborhood, if you try to correct neighbors, it is not like it was when we were kids, people are too sensitive to that and I think they ought to get off of that kick real fast because if another adult corrects your kid, 9 out of 10 times, he or she is going to be right. Okay, once in a while they may not be.

But, I think you should -- I would encourage to have an emergency meeting with the Parks people, whether we should extend some hours, whether there are still lifeguard problems, when we had a meeting, that Councilman Hertzberg said we were told that we had an abundance of guards. So, if there is a neighborhood problem and issue, I think they should be corrected real soon but not wait till September when it is too late.

And, one other thing I would like to bring to your attention, you mentioned guarding pools and when people jump in and do something. I was at one of our parks and we had some problems with some kids, nobody calls 9-1-1, and these were lawyers who watched someone -- with their kid -- a lawyer friend of mine with their kid watched other kids try to burn the new safety surface and didn't do anything, and these are only 12 year old kids doing it. So, I am not -- my problem is, when I said, did you call 9-1-1, they said, well, I thought that was only for emergencies. And, I do not know about my other Councilmembers, but I have heard more and more, people do not know, they think
9-1-1 is for only emergencies, and when you want to call a police officer, you have to call 9-1-1, no matter if it is a minor thing, a suspicious thing. So, publicizing that, I just found it -- the opportunity to say that because I have heard so many times, no one -- a lot of people do not realize, 9-1-1 is who you call, whether it be for the local cop, or the cop might only be a block away. And, if it is not an emergency, there are certainly not going to respond first, the emergencies come first. But, I think the community has to call 9-1-1, and that has to be more notarized that that is who you call.

But, I agree with it, trying to keep the pools to the extended hours and we should do it soon and it is a very inexpensive cost. I saw one of the pools in my neighborhood, the same, fence cut and they are fixing it. Luckily though there is a playground near so they probably do not go in there till late at night. So, we just have to solve this problem.

And, getting back to what you said, Mr. Hertzberg, about, as a test for regional pools and it is easier to manage. I think that is a big problem with our cities, and including this City. Every one of these situations can be managed, it takes good management to solve the problems. They are not easy problems but they should be managed, just regionalizing things, or closing pools, because it is hard to manage, is not an excuse, or not a good reason, and I think this Council -- I know most of you would support not doing that. One of the biggest assets, it is a complaint, no one realizes there are 33 swimming pools in this City. I doubt if there is any city in this country that has 33 public swimming pools. But, that is a great advantage to us, that we should take advantage to keep our youth active, whether it be swimming lessons and free lessons. Again, there are free lessons, especially for lower income, and when you do give lessons, it is only 5 or $10.00, but again, were is the community at when they are there, and we have to publicize that more and we have to push. So, I encourage everyone to get involved soon, so that we do not have any more of these tragedies.

The Chair:

Councilman Onorato.

Mr. Onorato:

I have just one brief comment here and then I would say something else on a different issue.

I just want to, on this issue, one piece of it, echo Councilman Udin's point about the lifeguards. I have been here three and a half years, every year we fight this battle that they cannot find lifeguards, I do not buy it. It is an excuse, and if you cannot find it, then let's fire everybody and get somebody else in there. There should be a direct order that we want lifeguards available for as many hours as we need them, and I do not want to hear, I can't find them. That is unacceptable. That is an unacceptable answer. I mean we have good, good salaried paid people downstairs to solve one problem, get me lifeguards at these pools. I hear this problem, you're right, Councilman. At every pool in my district I get an emergency call at least once a week, they're shutting us down for an hour, we're out of lifeguards, and that goes to your management issue. I do not buy the answer that we cannot get them, they are out there, and if you cannot solve the problem, let's find somebody else to solve it. Lifeguards should be at all of these pools and they should be open full-time. And, it is a problem, and it has been a problem through now two Administrations. Something has to be done here to bring lifeguards on board and solve that problem.

The Chair:

Well, just on this one fact, let's just at least ask the Parks Department to forward to us some information or roster of each one of the pools and whether or not this indeed happened, whether or not any of the pools did indeed close early and for what reason. We should try to get the factual information. I do not think my office has received any complaints, at least from the pools in my district, but I do not know what the case is City wide. So, let's try to solicit from the Parks Director information regarding Mr. Udin's comments.

Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, to the best of my knowledge, at least I have never till this moment heard these complaints about lack of lifeguards and pools closing early. We went through extensive efforts last year to develop sufficient employment lifeguards and other positions, we did the same thing this year, I was told that the results were very similar, that we had an abundance supply of staff for all the City pools, and I had until this moment never heard a complaint, but I will make inquiries right now and see if there is a problem.

Mr. Onorato:

Thank you.

The Chair:

Thank you. We will wait on Councilman Hertzberg's response on this.

On another matter, Councilman Onorato.

Mr. Onorato:

Yes, I just have – and this is actually to Councilman Hertzberg, maybe

he can investigate this for us, too, and I apologize, Councilman, because I am having a hard time understanding this.

I read in the paper yesterday – and let me get this straight, because I do not want to pit neighborhood against neighborhood, and I applaud the efforts of what is going on in Schenley Park's Super Playground and with Frick, but the way I read the article, there was $540,000.00 from the Regional Assets District given for the four regional parks, 350 of it for Schenley, 160 for Frick, that is $510,000.00 out of the 540, and there are two other regional parks that are not mentioned yet, there is only $30,000.00. Are there other dollars that we are using for those parks? I would just like to know, if these dollars were allocated for the four regionals and we are putting all of it in to just two of the, what are we doing with the other two regionals? And, that is – I tried to call around, I called Public Works, I talked with the Director of Engineering and Construction, and when I called last week for the Director of Parks and Rec. she was out of the office at that point, but no one had an answer for me of where the dollars were, and I would like to get to the bottom of that, just so that we make sure that the Regional Asset is being used for what it was meant to be used for, and that is, if it is for all four, it should be for all four, if it isn't for all four, then where are the other dollars coming from? That's all I want to get to the bottom of.

The Chair:

Yes, I also think, just procedurally, I think that Council should be involved in the actual sanctioning of the request to the Regional Asset District. We approved everything else, we approved all of the Cooperation Agreements, we agreed to direct certain resources, we agreed in the Operating Budget for the other RAD money that came to the four regional parks. I hope the Highland Park community is not being penalized because they took the initiative to build their own Super Playground, there are other things that need to be done in the park, and I would just – this is just an example where I think this Council, and not just because Highland Park is in my district, or Riverview in your district, but I think this Council as a body has a lot of feelings about the parks and a lot of us spend time with the community on parks issues and I think we should be solicited for some input on the RAD application process.

Mr. Onorato:

Well, Mr. President, on that point, too, I understand that there was a memo out of the Parks and Rec. Department from the Director describing this allocation. Now, I do not remember any councilmanic action on that particular allocation.

The Chair:

But on every other application, we approve by resolution, on every grant, I have been here seven years, and everybody else, we have approved every request for proposal, authorizing to solicit funds for this, that and the other thing. We should be involved and have some input on the RAD issue. So, I am not sure where we are at on this. I think we need to move ahead with the Frick and the Schenley proposal, they are very exciting, but I think we need to just have some input.

Councilman Hertzberg and then Mr. Cohen.

Mr. Hertzberg:

Thank you, Mr. President. I think as far as the Regional Asset District allocation, the entire allocation for the regional parks is larger than half a million, and it is --

The Chair:

No, this was a separate additional pot of money that is coming in.

Mr. Hertzberg:

Right. Right. So, we are getting an allocation that is for all expenses related to our regional parks.

I think this will end up coming to us though, and it is the same issue over and over again, which we were all searching for an answer for and which we have held meetings on, we have debated, how do you decide who gets what and when they get it. Over and over again we ask and, yes, here we are with another thing, why are we doing Schenley before we do the North Side park, or any of the other ones? I mean there are four regionals and we know it can only go there, why does it go to Schenley first? That is a very good question, it is a very good point. But, I do not think that the City is going to be doing this contracting ourselves. So, it is going to have to get to us for our approval because it is going to have to get subcontracted out. So, to that extent we are going to have some say so.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

We talked about this about two years ago, saying, we don't pit neighborhood or park against park, and I have seen it before. When I was in Parks two or three years ago, I looked at a list, because I was looking and thinking, where every district was being divided pretty equally, and I would request maybe you meet and have them -- of course, they may use the excuse, they're looking for the new safety issue first, but before that even there was a list of all the parks, the major parks that were going to be fixed and when. In other words, it was just a question of, okay, if your park is being fixed in your neighborhood this year, mine is next year, and yours is the following year, or two a year, then everybody can be satisfied. So, I think it would be up to Parks to show us what their long -- or five-year plan is, so that if there is a need, and we can look, just like the street resurfacing or something, sometimes we have to tell other neighbors, hey, your street is not as bad as the one up the street, and there is a reason for it. So, I would ask maybe that they come with a list, an agenda, where -- why these are being picked and who is being -- where the money is coming from and where it is going to go next.

The Chair:

Councilman Onorato.

Mr. Onorato:

If I could just comment. I agree with Councilman O'Connor, he has a good point. The only problem and frustration that I have, and sort of I resent the fact is that, I got to read a big story like that in the paper before I even had the details

presented to me here, and it was specific on what is happening at Anderson Park, and I applaud it, I am glad it is happening there. But, the fact that I do not even know if a penny is allocated for a Super Playground in one of the regionals of my district, but yet the detail of one particular program, that it was given to the media before this body even had a chance to debate it, I do not like that, I think it is backwards. We should know in advance and so we can stand up and say, well, here's what we're doing in Schenley, here's what I'm doing in Frick, here's what I'm doing in Riverview. I do not know. I have no idea what the detailed plans are in the regional park in my area. I did not realize that in the Regional Assets District funding, there was going to be a separate request for a Super Playground because it never came here. And, that is the part that I resent on the whole process, and it is not that I do not like the program that is being administered, because that is going to be a great park for a lot of people over there. and I just wondered if the -- if maybe this was just a mistake, and hopefully it was, that in the future, that the master plan is brought here first and then released to the media.

The Chair:

Well, I also think the community -- I mean there are many active community folks that have pride themselves with park participation. I know, let's say, in Highland Park, I mean the community itself took initiative to build a $130,000.00 Super Playground, that did not cost the City that very -- actually just a few dollars in in-kind services, but there is a laundry list of other infrastructure and other kinds of recreational issues that Highland Park feels very strongly about, and I mean we are elected, we need to have some input, as well as the community in helping to prioritize what those future additional RAD dollars are going to go to as it relates to the regional parks, above and beyond the operating cost reimbursement that we can expect.

Councilman Cohen.

Mr. Cohen:

Mr. President, and other Members, I was not briefed on this either, just so you know, but I do not think any of us were. Being somewhat involved in playgrounds, I would have hoped to have been briefed on this, I wasn't. I feel like a broken record on this. But, by law, the Parks and Recreation Department is required to give us that master list, they are required by law. This Council passed Comprehensive Playground Safety Legislation, that required an audit to be done, and then a five-year plan to be delivered to Council and, of course, made public for community groups and any resident who wants that. That has not been done, and until that is done, playgrounds are going to be decided upon based on factors other than safety and use, and we all know what those factors are. So, let's, please, keep the pressure on the Administration to follow the law.

The Chair:

On this issue, Councilman O'Connor.

Mr. O'Connor:

Yes. I do not know when that report will ever come out, it has been promised. Before that though there has

been a master plan for a couple years, and Anderson is one of those --

Mr. Cohen:

Schenley Park.

Mr. O'Connor:

Well, for the Schenley – I know we talked to the Highland Park, we were basically try to do the same thing, copy it, and we had meetings with them, Councilman Ricciardi's Office was there, I apologize if you weren't, because we all kind of border where that park is going to be, so the more input we had --

Mr. Cohen:

No, I agree with you. I mean the master plan for Schenley plan has been out for a while.

Mr. O'Connor:

I think we had three or four neighborhood groups there representing Oakland, Greenfield, Squirrel Hill, because it is a regional park and, like I said, we actually wanted to emulate, to copy what you did in Highland, which was a fantastic venture, but the conclusion was that they could do it different and probably a little less expensive.

But, I agree with everybody, to read it in the paper -- and I have been working on this for a year and I did not know anything about this article or the Regional Asset. So, again, I think if Councilman Hertzberg would call a brief meeting, a post agenda so that we are all up to date on the parks. And, we do not have to pit each other. I think everybody, if they saw the plan, and I have not seen it for over a year, what parks are going to be done in the next couple of years, and they could be changed with this new audit, but it would make us I think a lot more responsible to know what is going on. So, I would ask Mr. Hertzberg if he could convene a meeting so that we could see what parks are scheduled in the next couple of years.

The Chair:

And, just to reiterate –

Mr. Hertzberg:

We just had a meeting.

The Chair:

Excuse me. Legally by resolution this body is to approve a request to the RAD for whatever the issue is. So, I just want to again alert the Administration, they must come before this body for these authorizing resolutions in seeking funding, whether it be for a youth commission or any other kind of initiative.

Any other comments regarding any other issues?

Ms. McDonald:

On another issue.

The Chair:

On another issue, Councilwoman McDonald.

Ms. McDonald:

Just an announcement, that if the listening public, if there is anybody who is interested in a girl ages 10 to 14 or ages 15 to 19 attending Seton Hill College in Greensburg, which is an all women's college, for a one-week camp entrepreneur program that would be funded through a scholarship by Integra for preferably minority but definitely economically disadvantaged girls who would be interested in learning how to start your own business, about banking. It is a week long dormitory type of experience. You are on campus in college. And, it is very intense, it is very fun, and it is over $500.00 and Integra is footing most of the bill, if not all of the bill for that. I think it is an opportunity of a lifetime, and I have been really trying hard to recruit some kids to do this. So, if the listening public is interested, please call my office. I would love to have at least one or two other children to take advantage of a couple thousand dollars in scholarship. 255-2137.

The Chair:

Thank you, Councilwoman. Any other matter to be brought before the body? I will entertain a motion to adjourn.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MESSRS. FERLO, UDIN AND ONORATO'S COMMENTS ON BILL NO. 2163, THURSDAY, JULY 6, 1995)

Mr. Udin:

I guess I'm confused by our standards for how we determine which fall down legislation we are in support of and which fall down legislation we're going to oppose.

We gave away a quarter of one million dollars in fall down or some other kind of accident legislation and then when it comes to the smallest amount that is being recommended by the Law Department to be paid, it's receiving the most attention and I'm confused by the criteria we are using to determine that it is okay to pay $75,000.00 and $50,000.00 but on this $13,000.00 fall down was a woman who is permanently scarred whose range of motion in her arm has been permanently impaired and whose ability to continue in the work that she does because of that accident has been impaired. She's only requesting $13,000.00 settlement and it is attracting the most attention; I'm confused by it.

The Chair:

I guess everyone can explain their own thoughts on how they evaluate it.

Mr. Ferlo:

I second the motion to hold. It would be nice to have somebody from the Law Department. It's obvious that this is a contention and I don't know why they are not here to answer some questions.

First of all it is up to this Council to decide the merits of many of these warrants and judgments. I think we have to evaluate that on a number of different reasons and hopefully we do it fundamentally on the legal basis. We do have the ability as a legislative body to have our own legal advisor from time to time, we have done that and maybe more in the future we should do that so we can have some of own independent appraisal on what is warranted regarding the payment of various warrants and liabilities and claims. Some of it comes down to risk management. We don't feel legally that we should be accountable or possibly financially we don't feel we are accountable but the reality of the law since the Jodzis case — again that's my own viewpoint and not some of my colleagues that we should have paid it and cut our losses initially.

Just on the law and I guess I go back to my colleague, Mr. Hertzberg's comments, when I read this opinion it reaffirms the fact that I don't think we should pay this judgment. I have

been here seven and one-half years and in all those time I have never seen this be held for secondary judgment on the sidewalk claims and I think we're opening up a terrible situation for future cases. This law, this case law they are pointing to I read Point 1. The Borough's claim for indemnification is based upon well settled Pennsylvania law that the liability of a municipality for injuries to third-party persons due to a defective or dangerous sidewalk is secondary to that of the abutting property owner. Historically when this happened there were two adjoining property owners. I don't know where they're at now but I don't think that should be our burden. Is it our burden that we have to go out and find whoever these people are around the United States? This should be tried and we should argue before the court that we confirming what the Pennsylvania statutes and the case law that we are the secondary property owner but the fact of the matter is they are primary property owners and I don't know where they are right now in 1995 — this case goes back 16 years but I think we are opening up a terrible situation. I am not arguing with the case law but if there were adjoining property owners that should have borne the primary offense here in terms of the liability, I think we should argue this case out. I don't understand why we are settling it. It's an opportunity cost in the sense that we do have the lawyers and they are on the payroll and I don't think we're talking about hiring any outside legal firm but I think this case warrants the need to go through the arguments before the lower court on the fact that we remain secondary. There are primary owners and it is up to this defendant and his or her attorney to go after and find those primary property owners. Why are we the fall guys? I am not arguing with the case law but if anything else there's culpability with the primary adjoining property owners, go after them.

Mr. Udin:

Given the absence of anyone from the Law Department and the materials, I think move forward with the motion to hold.

The Chair:

Here's someone right now from the Law Department. Welcome to the table, Ms. Diggs. If anyone has a question —

Mr. Ferlo:

In response to my question, you're pointing to case law and you're saying it's Pennsylvania law that the City is the secondary liable property owner. Even if we are I am not going to argue with that but there are primary abutting property owners who should be held accountable.

Ms. Diggs:

That's correct.

Mr. Ferlo:

Why should we be the fall guy?

Ms. Diggs:

Part of what happened in this case is due to how old the case is and the inability of the additional defendant's attorney to locate those defendants.

Mr. Ferlo:

Why is that our burden?

Ms. Diggs:

I agree with you logically however, the Court permitted that attorney to withdraw its appearance. So those defendants exist in name only.

Mr. Ferlo:

I'm not sure what it means.

Ms. Diggs:

That means that they are not present at the time of trial. We still retain the the theoretical opportunity to indemnify ourselves if we are able to locate them. That is one of the reasons that the second case was included.

Mr. Ferlo:

Who owns the property now?

Ms. Diggs:

At this time, I'm not sure who the owner is now other than not the people who were the owners at the time of the incident.

Mr. Ferlo:

Maybe there's not clear title. When you buy property there is not a clear title and you bear the burden of that liability on that property. Have we made an effort to determine what the status is?

Ms. Diggs:

The parties that are named as defendants in the case?

Mr. Ferlo:

Yes, whoever they are.

Ms. Diggs:

Yes, we have made an effort to locate the original defendants and that is ongoing.

Mr. Ferlo:

What is the status of the adjoining property owners?

Ms. Diggs:

At this time I do not Know who the owners are other than not the people who were the original defendants and the people who owned the property at time of the fall down.

Mr. Ferlo:

And there's no way they're enjoined with the private property owners.

Ms. Diggs:

That currently own the property? They would not have liability for an incident that occurred prior to their ownership.

Mr. Ferlo:

In that in some other law?

Ms. Diggs:

Yes.

Mr. Ferlo:

What effort have we made to locate these property owners?

Ms. Diggs:

We're continuing to attempt to locate them because even after the fact —

Mr. Ferlo:

— can't we enjoin their insurance companies at the time?

Ms. Diggs:

That they did not have. If they had had an insurance carrier at the time then that would still be a viable source of revenue.

The Chair:

I think the two extremes will be this case which I will vote against because I believe it's a policy question and the fact that we're talking about a slip and fall on a privately owned sidewalk and that I agree with everything in your memo but let them spend whatever it takes to force them to go after the secondary. And I compare this with the motorcycle accident case on the Northside which I voted against which was for a lot more money and it put the City at a huge risk but once again my decision is pure policy and in that case it came down again to the action of the individual I felt and that I refuse to support any settlement for someone to do what he did and therefore I will continue to vote no on that. On this one here even though this person can't be compared with a type of action that that individual did, it still comes down to a personal responsibility and if there's any liability the primary person is a privately owned one and this one scares me more than anyone for liability for the City because of the sidewalks that are out there. The ones that we own to start with but let alone if we open up the flood gates for privately owned ones. I believe something like this could bankrupt the City so fast if the word got out that we are going to start doing this and that's why I vote no on this type of a policy.

Ms. Diggs:

May I clarify something? The sidewalk is not privately owned. It's a public sidewalk.

The Chair:

I meant in front of a privately owned — there's a big difference if it was a lot that we owned and someone fell on the sidewalk as opposed to a privately owned property whose sidewalk it is because as you know the person that owns the house is responsible for maintenance of the sidewalk and primary responsibility for somebody getting hurt on it.

Ms. Diggs:

The ownership interest is the City.

The Chair:

I understand that. Maintenance is privately owned and I don't like the fact that the burden, that we took up the burden of finding the current owner. Let the defendant do that. I don't think we should waste two minutes in the Law Department tracking this person down.

Ms. Diggs:

That leaves us holding a judgment.

The Chair:

We haven't lost in court. Let them spend money on an attorney and you go fight them and we'll beat them. There's no judgment out there.

Ms. Diggs:

Correct.

The Chair:

If it goes to a jury trial in theory it could also be less than the the settlement, it could be zero.

Ms. Diggs:

Certainly. The jury could nullify it completely.

Mr. Ferlo:

Is there a legal distinction on a point here regarding the situation as it relates to the City being the secondary liable party? Is there a difference between the City being a secondary liable party when it's offered a building code citation of a property versus property that has not been cited?

Ms. Diggs:

No.

Mr. Ferlo:

What is to prevent hundreds of people out there who have this condition? I don't understand how we would settle this without fighting it. I don't understand the logic of the Law Department here in relation to risk management. It seems like we're settling something opening up a horrendous situation here regarding other lawsuits that may be pending..

Ms. Diggs:

I think the most useful information I can give you in response to that is there doesn't appear to be any other case that we have had based on our computer search as well as the historical knowledge in the department where the primarily liable party is no longer available. So I think it's unique in that sense.

Mr. Ferlo:

We have 10,000 properties out there that have sidewalks.

Ms. Diggs:

But we have a primarily liable property owner. We would be primarily liable if it's our sidewalk.

Mr. Ferlo:

There are several thousand that are in the hands of the private property owner that probably don't have insurance.

Ms. Diggs:

Then their property is subject to be taken if there's a judgment as a result of a fall down in front of that property. The value of the property can be taken as the judgment but the property owner is still there we know who the person is.

Mr. Ferlo:

There is no statute of limitations after 15 years.

Ms. Diggs:

No. That is the motion that was filed that was denied was in response to the length of time there had been no activity and that is what Mr. Hertzberg was referring to.

Mr. Ferlo:

I respect your view but I can't vote for that.

I want to say one thing. I woke up about a month ago and heard on a radio show that for $15.00 you call this company and give somebody a name or a city or anything you might know about adjoining property owners and they run it through a national search of social security records and everything else and I can't believe we can't find these adjoining property owners. Unless they're dead or went to Europe I don't understand why we

can't find them. And if we have to spend a couple hundred bucks to find them we should find them.

Ms. Diggs:

We're certainly receptive to suggestions but we have made an effort and we will continue to do that pending trial on this case. If you have additional information we will be happy to receive it.

ROLL CALL

AYES	NOES	ABSTAIN
Ms. McDonald	Mr. Cohen	
Mr. Udin	Mr. Perlo	
	Mr. Hertzberg	
	Mr. Ricciardi	
	Mr. Onorato	

AYES 2 NOES 5

(NEGATIVE RECOMMENDATION)

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 18, 1995

PRESENT:

Mr. Cohen
Mr. Hertzberg
Ms. McDonald
Ms. O'Connor
Mr. Onorato
Mr. Ricciardi
Mr. Udin
Mr. Ferlo (Pres't)

ABSENT:

Mr. Cusick

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order. I apologize for running late, we had some technical problems.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young gentleman here today, Mark. Do you want to come forward. Mark Melodia. He is 10 years old, he goes to school at John Morrow; he is in Councilman Dan Onorato's District, the 1st Council District. He is in 5th Grade, and his mom is here, Darlene. And, Mark is going to lead us in the Pledge of Allegiance. Mark.

Mark Melodia:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Mark. I appreciate you coming down on your summer vacation. Our City Clerk, Ms. Linda Johnson-Wasler, has presented you with the flag of our nation and the flag of our great City. Thank you and your mom for coming down today.

PRESENTATIONS

The Chair:

I would like Mr. Connelly and Ms. D'Errico to come forward please from the Three Rivers Regatta. I would like to submit this proclamation on behalf of all of my colleagues on City Council. Members of Council, on behalf of all of the colleagues:

THE CHAIR PRESENTS

No. 2247 WHEREAS, the 1995 Shop 'n-Save Pittsburgh Three Rivers Regatta is co-sponsored by the Greater Pittsburgh Pontiac Dealers and is celebrating its 18th Anniversary with a theme of "A Taste of Summer," to build on the camaraderie and enthusiasm among Pittsburgh's communities and to reflect all of our appreciation for Pittsburgh's Three Rivers; and,

WHEREAS, under Eugene F. Connelly, president and General Chairman of the Pittsburgh Three Rivers Regatta, what began as a "Carnival of the Three Rivers" has grown to become the city's largest summer celebration, highlighting our invaluable river resources and offering four full days of exciting activities at Point State Park, free to the public; and,

WHEREAS, the 1995 Shop 'n-Save Regatta will feature a schedule of more than 50 events between August 3-6, 1995, including the Pittsburgh Tribune-Review/Snyder of Berlin Hot Air Balloon Classic; the Gateway Clipper Fleet's Race of the Belles, Shop 'n-Save Regatta Land Parade, St. Francis Health System Laser Spectacular, Bud Light Grand Prix Boat Heat 1-15 Lap Race, Delta Air Lines Sternwheelers' Race, Shop 'n-Save Fireworks Show and the Sunoco/KDKA-TV 2 Anything That Floats Awards Ceremony, among many others; and,

WHEREAS, Congressman William Coyne of Pittsburgh has been chosen as the 1995 river Person of the Year for his leadership as a friend of the waterway and for providing invaluable support for the modernization efforts of the locks, dams and riverfronts.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the President and General Chairman of the Three Rivers Regatta, Eugene F. Connelly, Executive Vice President Ida M. D'Errico, and all of the dedicated and capable Regatta staff, and the many volunteers who work diligently to make the Regatta s success each year; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares August 3-6, 1995 as REGATTA WEEKEND in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS JIM FERLO, DAN COHEN, JOE CUSICK, ALAN HERTZBERG, VALERIE A. McDONALD, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND SALA UDIN.

MR. HERTZBERG moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

The resolution speaks for itself but more importantly, the Regatta, for the many, many years now that it has been afloat actually speaks much more for itself. It is the most wonderful event you could have in the City, probably three quarters of a million people participate, and the best thing is it is free, and I do not know too many other events that you can say that about. So, it is a great event, it really brings the

Downtown area, it makes it the livingroom or the region for the whole area, but more importantly people come from all over the country, and in fact, I am sure some people travel from abroad or from Canada to attend this truly international classic waterway event.

I want to call on Gene and Ida to say a few words. I think more importantly what this event has done is not only showcase the beauty and the splendor of our City, really what the work has done, the Regatta, because it is a year long event in terms of organizing it and the foundation that Gene has created; it really goes about trying to educate young people and sensitizing our community to the significance of the river. If anybody engages in commerce, they can appreciate the commerce and the importance of the river waves, but I think because of the Mayor and because of just a new attitude among many of our neighborhoods, as well as our residents, when we are closing industrial sites, I think we are beginning to see kind of a new decade of appreciation for the potential of our riverfronts as places to live, as places to really make this City great and even greater. So, I want to thank – that is one of the lasting contributions that I think Mr. Connelly has made above and beyond the annual great event known as the Regatta.

At this time I would ask Gene and Ida to say a few words. Mr. Connelly.

Mr. Connelly:

Thank you very much, President Jim, and fellow Councilpersons, we are very elated, very grateful to receive our proclamation today, and Ida D'Errico is the Executive Vice President of the Regatta, she is the work horse behind all of the activities, and I would like Ida to tell you briefly just of a couple of new events and things that we are going to do this year. Thank you very much.

Ms. D'Errico:

Thank you, ladies and gentlemen. I am new to the Regatta but have been around in the marketing world here in Pittsburgh for a long time, and you have only seen the beginning of how we are going to take Mr. Connelly's event to even greater heights and continue to develop tourism for all of us in the City of Pittsburgh, and the support that we are receiving this year is just wonderful from the City and the County, and we are just so very, very grateful.

Look forward this year to Pittsburgh's largest ever fireworks display, it is called Regatta Thunder, a spectacular boat race, the Bud Light Grand Prix, with over 26 participants. And, yes, Jim, we do have boat drivers, five of them, coming from as far as Calgary, Alberta, to participate in our races. We have people coming to visit our Regatta from a six to eight-hour drive, balloon participants from as far as Wisconsin. And, we are just so very, very proud to continue to build this event and we can only do it with your help, and wait till you see the 20th is all I can say. Thank you so much.

Mr. Hertzberg:

Mr. President. There was one other event, Ida, if you would not mind elaborating on, I think it is the first and it is a unique event. That is the bridge party that is planned. I think that is one of the new ones on there.

Ms. D'Errico:

Sure. It is a new event to celebrate the Regatta, and we have been very excited to get the permission from the appropriate sources, the City, PennDot, and Rich Connors from Allegheny County Department of Bridge Engineering, and to celebrate the coming of the Regatta, next Wednesday, July 26, we will close the 7th Street Bridge and we will have a bridge party, the Regatta's first ever bridge party, and we think it is the first ever such bridge party in the country, so we are going to call it an history making event, and what better place to do that in our City of bridges. And, this will be again free to the public, as all Regatta events are. We have booked three top local bands, oldies band, Sputzy and the Soul Providers, Joe Grushecky, and Norm Nardini. And, again, we are looking for some very, very positive, fun celebratory events occurring, with live music and food, and then we hope to disperse the crowd at 10 p.m., so that our restaurants and night clubs and so forth can benefit by the traffic that we brought in to the City.

So, our media sponsors are behind us in making this happen and we hope for good weather next Wednesday the 26th. If we are successful, we hope to do four or five different types of street parties next year, very much similar to what occurs at the Derby with the Derby Festival. So, wish us luck, we will be down on the bridge dancing next Wednesday, hope to see you all there. Thank you.

The Chair:

Thank you, colleagues. And, again, that proclamation was on behalf of all of our colleagues.

At this time I would like to call on Councilman Hertzberg and Mr. Cohen.

Mr. Hertzberg:

Thank you, Mr. President. West End-Elliott Joint Project is a community development corporation in Council District 2 that has just done an outstanding job in helping out with community development, a number of projects, primarily housing related, for people of all income levels, and they have really started to turn the community around. And, their latest endeavor is to try a Senior Citizen Housing Project, it has been tried before, one effort, where it seemed like everything was going to work, at the old St. James School in the West End, fell through as a result of the flood plain problem, which I think has been expounded upon quite a bit. But, the West End-Elliott Joint Project has not given up and they are still working on that, and we prepared this resolution to support their continuing efforts, and let me read it.

MR. HERTZBERG PRESENTS

No. 2248 WHEREAS, the need for housing for the elderly is overwhelming in the City's ten southwestern neighborhoods; and,

WHEREAS, in these neighborhoods, according to 1990 census data, 23% of the residents are over 62 years of age and 54% of the households fall into the low to moderate income category as defined by the federal Department of Housing and Urban Development; and,

WHEREAS, currently only one senior housing project with 72 units

serves this large elderly community living in the southwestern area of the City; and,

WHEREAS, the proposed Elliott Heights elderly housing project which is being sponsored by the West End-Elliott Joint Project, Inc. in cooperation with ACTION-Housing, Inc. would add 44 more units of housing for low to moderate income elderly citizens to serve the City's southwestern neighborhoods.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh strongly recommends this elderly housing project to Housing and Urban Development Secretary Henry Cisneros for approval as a 202 HUD Elderly Housing Project.

SPONSORED BY COUNCILMEMBERS ALAN HERTZBERG AND DAN COHEN

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion. Which motion prevailed.

The Chair:

Thank you. And, Mr. Tom Jones, Executive Director of the West End-Elliott Joint Project, would you like to say a few words?

Mr. Jones:

I sure would. I would like to thank Councilman Hertzberg and Councilman Cohen for sponsoring this. As you know, applications for housing for the elderly are very competitive, the window of opportunity was just 30 days this year, and we are finishing up our application at the present time to go in.

The support of Council on this is welcomed. Since this is competitive, we will be competing against a number of groups in Southwestern Pennsylvania for the same housing money, so we hope that we are going to be number one this time, too. We did lose our housing for the elderly in the West End due to the flood plain issue about two years ago, so we are very hopeful to this, and I think that this proclamation and the support of Council will go a long, long way.

While I have the floor, I would like to also address Council, Mr. President, and thank you for your support on trying to reinstitute the monies that were taken away by the Federal Government for the flood control project in the West End and the Overbrook sections of our community. I am happy to say that, along with your support and the support of our Senators and Congressmen that we think we may just be able to pull this off, it is not out of the woods yet, and so I would encourage you to keep abreast of this subject and we will keep you informed, and if any letters, including letters to the President, can help, we know you passed that resolution and we appreciate that, and we are still fighting for reinstitution of this money.

The last thing I want to say is that the City Council and our Councilmen have supported the West End-Elliott Joint Project for a number of years and we appreciate that support through ACCBO and through Community Development Block Grants, and we hope that this is a message back to you that you are just getting your monies worth when we are trying to put these kinds of projects together. Thank you very much.

The Chair:

Thank you. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. Tom, congratulations, you are doing a heck of a job out there at the West End-Elliott Joint Project. I just co-sponsored this because I want to show support and support for a housing project that is so very necessary. We all know how many seniors we have in Allegheny County and certainly in the West End, the highest number – percentage, rather, of Seniors in the United States of America next to Dade County, Florida – and, by the way, we are going to surpass Dade County, Florida in a few years. So, we will have the highest percentage of Seniors in the United States of America. And, this is a very important Senior Housing Project. They had one prior to this, Spellman Plaza, that was not funded by the Federal Government. The excuse that they gave them was because it was in the Saw Mill Run flood plain. But, there is no more important project for Seniors than this one, and there is no reason why we should not be able to get money from the Federal Government for this. We are not getting our fair share and hopefully this proclamation, supported by all Members of Council, will help us get money from the Department of Housing and Urban Development because it will go straight to Secretary Henry Cisneros. And, Tom, congratulations for all the work that you are doing over there and keep it up. Thank you.

The Chair:

Thank you. Councilman Hertzberg, I believe you have some guests in the audience.

Mr. Hertzberg:

Just one guest. Mr. Kelson, would you come forward, please. Sanford Kelson makes his living as an attorney here in Downtown Pittsburgh, and he spends a lot of time, though, a lot of time when he is not doing that in another cause. Mr. Kelson is a veteran of the United States Army and he has been very active with an organization called Veterans For Peace, and I will let him speak to you after I first read this resolution.

MR. HERTZBERG PRESENTS

No. 2249 WHEREAS, approximately 50 years ago atomic bombs were dropped on the Japanese cities of Hiroshima and Nagasaki; and,

WHEREAS, the death and destruction from these bombs devastated these Japanese Cities; and,

WHEREAS Veterans For Peace is a national organization of military veterans of all eras engaged in educational and humanitarian activities dedicated to, among other things, demanding that the leaders of the United States exhaust all possible peaceful means of resolving conflict prior to resorting to the use of force; and,

WHEREAS, Fusen Heishi no Kai, the equivalent of Veterans For Peace in Japan, has invited Veterans For Peace to send a delegation to attend the World Conference Against Atomic And Hydrogen Bombs to be held in Hiroshima between August 3-6, 1995; and,

WHEREAS, Veterans For Peace National Vice President/Presidential Nominee Sanford Kelson of Pittsburgh, Pennsylvania will be one of the delegates

of Veterans For Peace at the August 3-6, 1995 Conference in Hiroshima;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Veterans For Peace and Fusen Heishi no Kai for their efforts to prevent further use of atomic weapons; and,

FURTHER, BE IT RESOLVED that the Council of the City of Pittsburgh commends Sanford Kelson for his efforts on behalf of Veterans For Peace.

MR. HERTZBERG moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

And, I forgot to mention that Mr. Kelson used to be my employer in my earlier days as an attorney. Mr. Kelson.

Mr. Kelson:

Thank you very much. I am very proud to be here on behalf of Veterans For Peace today to accept this award. One of our main goals as veterans is to abolish war. Through our military service we learned the horrors of war, most of our members learned firsthand. One of our members is the longest held P.O.W. in American history, eight years in Hanoi Hilton. And, our national convention this year in August will be in San Francisco and he is organizing that convention effort.

Everything this City Council does is affected by our preparedness for war. On nuclear weapons alone we spent 3.7 trillion dollars since 1945. If that money could be used for the purposes of City Councils throughout this country, we would have a much better country, and Veterans For Peace is making its small contribution to try to reach these important goals. Thank you very much. Thank you, Mr. Hertzberg.

The Chair:

Thank you, sir. Thank you very much. Councilwoman McDonald.

Ms. McDonald:

I would like for Reverend Tinker to please come forward to accept a resolution. And, while he is coming up to the microphone, Reverend Tinker is 90 years old. He is moving faster than sometimes I can move, on a good day. And, I will read the resolution, and you know I am going to have some comments.

MS. McDONALD PRESENTS

No. 2250 WHEREAS, Reverend Harold Tinker has become the oldest person, at age 90, to receive a high school diploma from Schenley High; and,

WHEREAS, Reverend Tinker has led a full and interesting life beginning with a career in the film industry to playing semi-pro baseball and finally to preaching the word of God; and,

WHEREAS, Reverend Tinker's favorite pastime was playing baseball. He played baseball with the Keystone Juniors, Westinghouse Electric Company's Club, the Edgar Thomson Works teams, the Pittsburgh Monarchs and the Crawfords; and,

WHEREAS, today you can find Reverend Tinker delivering sermons at

least once a month at Central Baptist Church. Reverend Tinker also spends plenty of time with his family members.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend Reverend Harold Tinker for his undying desire to receive a high school diploma and for being committed enough to achieve that goal.

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion. Which motion prevailed.

The Chair:

Congratulations.

Ms. McDonald:

If you all do not know this man or haven't read about him, you can pick up an older edition or go to the library and read, he made the front page of the "Regional" Section of the Post Gazette for his story. I commend Reverend Tinker for – I mean just the accomplishment of getting to Soldiers and Sailors Memorial Hall, and if anyone has attended a Pittsburgh Public High School graduation, I mean there is a whole bunch of people there, it is kind of like a big bash, and to get there, amongst all those young people and all those young men and stand out also a graduate of Schenley High School. I commend the School Board for having the creativity to think, now, wait a minute, can we do this? Hey, you figure colleges give honorary degrees all the time, why not give someone who has spent his entire life and should have deserved this degree to get it now. He would have gotten it before but circumstances did not permit him to go back and get his high school diploma because of work and because of family. So, I commend him now, and I just applaud him for getting here, Downtown, at 90 years – who are you with? I mean but where – is anyone here with you?

Rev. Tinker:

Ms. McDonald:

He is here by himself. Some of us cannot get to work by ourselves. So, he is here by himself, got here, Downtown, to receive this resolution. I am very proud of him and now I want him to come up and say some words here. Reverend Tinker.

The Chair:

Reverend Tinker.

Rev. Tinker:

First, I would like to endeavor to give my thanks to everyone that has been responsible for what has happened to me in the last three or four weeks. I am still at a loss for words to express my gratitude to the Board of Education and to Schenley High School and to all of those who were responsible for this happening to me in my life. I thank God today that I was able to be here to be honored, and I really do not know how to thank all of those who are responsible, but from the depths of my heart, I say to all of you today, thank you, thank you, and thank you, and may God bless every one of us who are here today. And, I would like to pass on an epitaph that we used for the Pittsburgh Crawfords, and I saw many wonderful things happen to that baseball team. We had a slogan that I would like to pass on to all of us today, and that slogan was, "A quitter never wins and a winner never quits." May God bless you all today and always,

and thank you again from the depths of my heart.

The Chair:

Thank you, Reverend Tinker.

Mr. O'Connor:

Valerie, make sure he makes it in August for the game. We are going to support the Bucs and I am sure he does.

The Chair:

Thank you, Reverend Tinker, and congratulations.

Ms. McDonald:

Jim, I just wanted to announce, also –

The Chair:

Please.

Ms. McDonald:

– since this was an oversight, and I apologize on my part, because I could have announced that – I have to get my coffee now, Jim. But, we do have the CIS students here, the Community Intensive Supervision Program, here, and I would hope that all of you all, those young men that are in the seats there would please heed his words. This man is 90 years old and he has been through just about the same kind of crap that probably you all are going through, but he is here today to speak to say he has achieved something. So, I hope that this provides a little bit of inspiration to you that one day you will kind of walk in his shoes at that age. Thank you. And, welcome to the students.

The Chair:

Thank you, Councilwoman. Councilman O'Connor.

Mr. O'Connor:

Would Dr. Hoyt, Dr. Greer and Mimi Bonetti come up from St. Francis, please. Good morning. I share St. Francis a little bit with President Ferlo since I have been a board member for many years and I am still involved, I was there yesterday for some meetings. And, I am very proud to give this resolution to the three of you and the whole medical staff.

MR. O'CONNOR PRESENTS

No. 2251 WHEREAS, in 1985, St. Francis Hospital's Doctor John W. Hoyt, M.D., began a pilot project, the Critical Care Transport Team, to provide safe and efficient transfer of the critically ill patients from the primary care community hospitals to metropolitan medical centers; and,

WHEREAS, between the onset of a life-threatening illness and its definitive treatment, there exists the "critical interval" in which appropriate assessment and stabilization measures are likely to yield maximum benefit; and,

WHEREAS, The St. Francis Medical Center-based Critical Care Transport Team is the region's only team consisting of a board-certified intensivist, an ICU nurse, a critical care technologist/respiratory therapist that accompanies critically ill adult patients during inter-hospital transport; and,

WHEREAS, over the past ten years the critical Care Transport Team, in conjunction with STAT MedEvac

program operated by the center for Emergency Medicine of Western Pennsylvania, has provided high quality care to the critically ill transported patient, therefore, giving many patients a second chance at life;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the St. Francis Medical Center Critical Care Transport Team on the occasion of their first decade of lifesaving service to critical care patients and furthermore, Council recognizes St. Francis Medical Center's Critical Care Transport Team as a vital component to the world-class health care system centered in the City of Pittsburgh.

BE IT FURTHER RESOLVED in recognition of the Team's Tenth Anniversary, Council hereby declares July 18th, "St. Francis Medical Center's Critical Care Transport Day in the City of Pittsburgh."

MR. O'CONNOR moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

Mr. O'Connor:

There are many exciting things going on, and congratulations, Doctor, and please come up and say a few words for us.

Dr. Hoyt:

I want to thank Councilman O'Connor and the Council for this, and I do want to emphasize to the Council that Pittsburgh has a truly unique medical community, it has evolved over the last 15 years in to as good a medical community as exists anywhere in the world. If it cannot be done here, there is hardly any other place that you could go to get health care of a higher quality. Having said that, there is still a need to bring critically ill patients from small community hospitals in Ohio, Pennsylvania and West Virginia in to the community of Pittsburgh, to the large metropolitan hospitals that are here. That is the need that we attempted to address, with a concept that there is nobody that is too sick to be transferred to receive the benefits of the hospitals that exist in the City of Pittsburgh. We believe by being partners with STAT MedEvac that we have been able to accomplish that and over the last ten years we have brought 2,000 patients in to the City and we know clearly that they have benefited from the services that are here. Thanks very much.

The Chair:

Thank you.

Dr. Greer:

I just want to thank the Council and the City of Pittsburgh for this recognition. I think, as Dr. Hoyt has clearly outlined, that this is a superior City with regard to medical care and we hope that through this team and the efforts that we will conduct in the next ten years, that we can be able to provide excellent care to not only the people that are in the City of Pittsburgh but to those of the surrounding areas, so that no one is disenfranchised in any way possible to receiving the excellent health care that is provided by this City. Thank you.

The Chair:

Thank you.

Mr. O'Connor:

And, Mimi is the Nursing Manager. Come on up and just say a few words, tell us what – some of the things you do.

Ms. Bonetti:

I would just like to thank everyone for this wonderful thing for the St. Francis Critical Care Transport Team. I have been with the program for ten years and have seen it grow from a very small entity to what we do today and I am just very proud of it and I am very thankful for today. Thank you.

The Chair:

Thank you. Thank you and congratulations.

We have a number of guests in the audience for Mr. Onorato. Councilman.

Mr. Onorato:

At this time could I have North Catholic Baseball Team come forward. And, I know that the Manager Tim Banner is here, I am not sure how many other coaches, we will find out when you come forward. Let me make sure that you heard it from me right. This is the baseball team coming forward, and as they are walking forward, this is my alma mater, so it gives me a double pleasure to bring them here. Manager Tim Banner. Are there any other coaches here? Timmy Delaney is here. Good to see you. I am going to read all your names and the coaches, too. But, at the same time, I just want to show everybody the nice shirt here that we held up, and we will make sure we hold it for the picture here, because this is a first in North Catholic history, as you will see through the proclamation – and I was lucky enough to have a cap – which we will read during the proclamation here. Well, it reads:

MR. ONORATO PRESENTS

No. 2252 WHEREAS, in 1995 the North Catholic High School Varsity Boys Baseball Team experienced a breakthrough year; and,

WHEREAS, the North Catholic baseball team won the WPIAL Class AAA championship by defeating Bethel Park 7-6 on May 31, 1995 at Pullman Park; and,

WHEREAS, the Trojans had a 13-1 section record, 15-2 overall, to earn the first ever section title since joining the WPIAL in 1975; and,

WHEREAS, North made an appearance in the playoffs for the first time and finished the season with a 21-3 record, the best in school history; and,

WHEREAS, the Trojans and staff are:

Tom Baginski ***Kevin Walters***
Justin Maslanka
Aaron Carr
J. T. Tempalski ***Geoff***
Osborne
Abe Freeland ***Louie Mattuci***
Luke Ravenstahl ***Pat Kenny***

Brad Sobolewski ***Manager-Tim***
Banner
Andy Kush ***Josh Horwitz***
Eric Wietharn ***Chris Dietrich***
Mike Paine ***Todd McKinney***

Matt Vargo	*Tim Evans*
Dave McCann	*Vince Pallus*
Coaches:	
Leo Rauterkaus	*Eric Fisher*
Tim Delaney	*John Riggs*

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh recognizes and congratulates the North Catholic Trojans and staff for an outstanding season of hard work in attaining the school's first WPIAL baseball title.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Onorato:

There was a time when the Catholic Schools had their own league because they were not allowed in, but now we are in and this is definitely a significant date.

I want to hand this over to the Manager and we are going to ask Mr. Tim Banner to say a few words and maybe some of the players can say a few things. Congratulations. And, we have one for each player here, too.

Mr. Banner:

I would like to thank Mr. Onorato and Council for doing this for us, it is a very big, like he said, breakthrough for the school, we are small Catholic institution. Every one of our baseball players is going to attend a college. We have six of the eight starters -- well, seven of the eight starters are receiving academic and athletic aid to colleges of their choice. And, I am going to bring up Tommy Baginski, who is one of our pitchers this year, he was 11 and 1, he was the new record player of the year, he was also USA Honorable Mention for the State, and he was a Post Gazette player. Thank you.

Tommy Baginski:

One behalf of North Catholic, North Catholic Baseball Team and the players, I would just like to thank the Pittsburgh City Council for inviting us down here today, and especially to Mr. Onorato. Thank you.

The Chair:

Thank you. Congratulations.

Mr. Onorato:

Would anyone else like to say a few words? This is your time. If not, well, let's get a photo here, and let's hold this up so they can see it for us at home.

The Chair:

Councilman, I think you were going to give them all a ticket to the August 5th event?

Mr. Onorato:

Absolutely. Thank you. Congratulations.

The Chair:

Are you going to spend some of that money there for August 5th? Councilman O'Connor.

Mr. O'Connor:

Mr. President, my All Star Team Little League is playing the 10th Ward, your area. Can anybody pinch hit for me tonight, we could use a couple of you guys? Congratulations.

Mr. Onorato:

Mr. President, if I could just make one other announcement as the team is exiting.

Colleagues, a few weeks ago, I think it was about two weeks, maybe three, we had a proclamation here for a delegation from Molise, Italy. We have an official delegation today that is visiting Pittsburgh. My office is working with Giuseppe D'Andrea, the Vice Consulate of Italy in Pittsburgh here, brought in the delegation. They are sitting in the first row. I just want them to stand while I introduce them. We have Mr. Luigi Perdo Terzano. He is a member of the General Assembly of Molise in charge of Cultural Tourism and Immigration. We have Italio DiSabato, General Secretary of the Consul of the Region of Molise. Fernando Vari, member of the General Assembly and in charge of tourism, from the Providence of Ursernia. and Angelo DeNiro, Deputy Superintendent of Archaeology of Molise and member of the General Assembly in charge of Cultural Affairs for the Providence of Campobasso. And, we do have Giuseppe D'Andrea here, too. If you could all stand up here, I just want to welcome you to Pittsburgh. We had the proclamation. And, I understand that the whole delegation will be at Kennywood today for Italian Day, where all the Italians of the regions will be. Welcome to the City.

The Chair:

Welcome. Nice Consul. Welcome. Thank you all. That concludes our proclamations for today. We move to Presentation of Papers.

MR. COHEN PRESENTED

No. 2253 An Ordinance supplementing the Pittsburgh Code, Title Seven, Business Licensing, Chapter 765, Commercial Hauling of Municipal Waste, by limiting the times of commercial waste pick-up in relation to proximity to residential area.—**(SPONSORED BY MR. COHEN AND MR. RICCIARDI)**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

MR. COHEN FOR MR. CUSICK PRESENTED

No. 2254 Resolution further amending Resolution No. 211 approved March 30, 1995, entitled: "Resolution providing for an agreement or agreements with various community organizations for operational-administrative expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $123,750.00,

chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning," by decreasing Beechview Merchants Association $1,500, ($3,400 to $1,900) and increasing Beechview Community Council by $1,500, ($2,800 to $4,300).— **(SPONSORED BY COUNCILMAN JOE CUSICK)**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTED

No. 2255 Resolution amending Resolution No. 144 of 1994, effective March 8, 1994, entitled, "Providing for the letting of a contract or contracts, or for the use of an existing contract or contracts, for the furnishing and delivery of motorized fire equipment and for the refurbishing of existing motorized fire equipment for the Department of General Services," to allow for partial advance funding in the amount of $50,000; and authorizing the City Controller to transfer and encumber from time to time additional funds not to exceed $2,500,000 upon the direction of the Director of the Department of General Services.

Also,

No. 2256 Resolution providing for the letting of contracts and the use of existing contracts for the purchasing of materials, general supplies, and equipment by various Departments of the City of Pittsburgh, during the calendar year 1996.

Also,

No. 2257 Resolution providing for the letting, during the calendar year 1996 of contracts and for the use of existing contracts, for the maintenance, rental, rehabilitation, renovation, inspection or servicing of personal property, and also for bonding, insurance, printing and other related services, and for the maintenance and repair of buildings, structures or any other properties in the custody of the various Departments of the City of Pittsburgh, and for any miscellaneous services in and for any of all Departments of the City of Pittsburgh.

Which were severally read and referred to the Committee on Lands, Buildings and Procurement.

MR. ONORATO PRESENTED

No. 2258 Resolution providing for the issuance of a warrant in the sum of $100,000 to Michael W. Ealing, c/o Allan M. Cox, Esquire, his attorney, 304 Pitt Building, 213 Smithfield, Pittsburgh, PA 15222, in full and final settlement of an accident that occurred at the train track crossing at Boundary Street allegedly resulting from a train colliding with a vehicle on the tracks on or about October 10, 1992.

Also,

No. 2259 Resolution providing for the issuance of a warrant in the sum of $22,672.95 to W. Timothy Barry, Esquire, Barry, Fasulo & Hough, 32nd Floor, Gulf

Tower, 707 Grant Street, Pittsburgh, PA 15219-1913, in full and final settlement of attorney fees that were accumulated during the representation of Commander James N. Dickerson and the result of the Civil Action brought against him by Carmen L. Robinson to No. CA94-1378.

Also,

No. 2260 Resolution providing for the issuance of a warrant in the sum of $1,750.00 to Donna & Barry Laurnavich, c/o James J. Lestitian, Esquire, 3rd Floor, Grant Building, Pittsburgh PA 15219, their attorney, in full and final settlement of an accident that occurred at the intersection of Smithfield Street and Oliver Avenue in Downtown Pittsburgh allegedly resulting from a dangerous and defective temporary handicap ramp on about July 31, 1992.

Also,

No. 2261 Resolution transferring the sum of Fifteen Thousand Dollars ($15,000) from Code Account 1017, Miscellaneous Services, Mayor's Office, to Code Account 1017-1, Education and Training, Mayor's Office and transferring the sum of Ten Thousand Four Hundred Thirty-One Dollars ($10,431) from Code Account 1017, Miscellaneous Services, Mayor's Office, to Code Account 1001-2, Salaries and Wages, City Council.

Also,

No. 2262 Resolution transferring the sum of $5,000.00 from Code Account 1023, Miscellaneous Services, to Code Account 1022-1, Premium Pay, Magistrate's Court.

Also,

No. 2263 Resolution transferring the sum of One Million Seven Hundred Thousand Dollars ($1,700,000.00) from Code Account 45-9, Workers' Compensation Indemnity, to Code Account 46-9, Workers' Compensation Disability.

Also,

No. 2264 Resolution providing for the transfer of $100,000.00 from Code Account 1612-5, Rental of Equipment, Department of Public Works, to Code Account 1075, Miscellaneous Services, Department of Law.

Also,

No. 2265 Resolution providing that the City of Pittsburgh enter into a professional services contract or contracts with Pennsylvania Economy League, Inc., for the purpose of various consulting and advisory services. The cost is not to exceed Fifty Thousand Dollars ($50,000.00), chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2266 Resolution amending Resolution No. 248, approved April 11, 1995, effective April 12, 1995, entitled, "Granting unto Ernest Stern and Family, Fulton Building, 101 Sixth Street, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sign marquee over a portion of the right-of-way along Sixth Street in the 2nd Ward, 6th Council

District of the City of Pittsburgh," by amending Section 1.

Also,

No. 2267 Resolution granting unto Tillie Janicki, 1415 Sheffield Street, Pittsburgh, Pennsylvania, 15233, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a small deck with steps and the installation of a wheelchair lift on a portion of the right-of-way of Sheffield Street in the 21st Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 2268 Resolution granting unto the Historic Society of Western Pennsylvania, 4338 Bigelow Boulevard, Pittsburgh, Pennsylvania, 15213, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a canopy with banner frames and flag pole, electrical vault, three (3) stone benches, two (2) trash cans and existing building billboard on a portion of the right-of-way at 1225 Smallman Street in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 2269 Resolution authorizing the Mayor and the Director of the Department of Public Works to execute a Service Agreement with the Town of McCandless, the McCandless Township Sanitary Authority and the Allegheny County Sanitary Authority consenting to the assignment of Sewage Service Amendment Agreement among the City, the Allegheny County Sanitary Authority and Town of McCandless to the McCandless Township Sanitary Authority.

Also,

No. 2270 Resolution vacating Scoville Street from River Avenue to General Robinson Street, Mendota Street from River Avenue to General Robinson Street, Grantham Street from River Avenue to General Robinson, River Avenue from Anderson Street to General Robinson Street, General Robinson, Phelps between Scoville Street and Mendota Street to its easterly terminus and Bronco Way between River Avenue and General Robinson Street East in the 23rd Ward, 1st Council District of the City of Pittsburgh

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2271 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by (a) changing the height limitation of structures in the "C6-C" District between Isabella Street and the Allegheny River from 65 feet to 105 feet; (b) by allowing land located within a floodway owned by a public entity to be counted toward the open space and floor area ratio requirements in the "C6-C" District; and (c) by changing the point of measurement for the 50 foot riverfront yard from normal river pool elevation rather than from the floodway line.—**(COUNCIL DISTRICTS 1 and 6)**

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2277 Resolution approving a conditional use under Section 993.01(a)A(52)of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to Virginia Devlin for authorization to convert an existing three-story structure into a bed and breakfast facility with four guest rooms located at 438 South Atlantic Avenue, with parking to accommodate six automobiles, on property zoned "R3" Multiple-Family Residence District, 8th Ward.—**(COUNCIL DISTRICT NO. 8)**

Which were read and referred to the Committee on Planning, Zoning and Land Use.

MS. McDONALD PRESENTED

No. 2272 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal for a portion of the North Shore Redevelopment Area.
— (COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)

Also,

No. 2273 Resolution approving the Redevelopment Proposal dated July, 1995, including Modification No. 6 to the Redevelopment Area Plan, for redevelopment activities in a portion of Redevelopment Area No. 39, North Shore, in the 22nd and 23rd Wards of the City of Pittsburgh.—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2274 Resolution providing for the conveyance of certain property in the 22nd Ward of the City of Pittsburgh to the Urban Redevelopment Authority of Pittsburgh for the sum of $1.00.—**(COUNCIL DISTRICT NO. 1)**
—(MS. McDONALD AND MR. HERTZBERG)

Also,

No. 2275 Resolution authorizing an agreement by and among Aluminum Company of America, Urban Redevelopment Authority of Pittsburgh and the City of Pittsburgh in connection with the development of URA Disposition Parcel 16 in the North Shore Redevelopment Project.—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2276 Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Aluminum Company of America for the sale of Parcel 16 in the 22nd Ward of the City of Pittsburgh for $515,000.00--Redevelopment Area No. 39 (construction of office building).—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

The Chair:

Is there any matter to be brought under Unfinished Business or Reports of

Special Committees? Hearing none, we will move to the Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2278

Report of the Committee on Finance and Budget for July 6, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2214

A Resolution entitled, "Resolution providing for the issuance of a $2,758.26 warrant in favor of Bell of Pennsylvania for property damage by a City vehicle, chargeable to and payable from Code Account 46, Judgments."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2215

A Resolution entitled, "Resolution authorizing and directing the Director of Finance and the City Controller to open an account or accounts with Mellon Financial Market, Inc., for the investment of City funds."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

(MR. HERTZBERG ABSTAINING)

Also,

Bill No. 2240

A Resolution entitled, "Resolution amending Resolution No. 7 approved January 10, 1995, authorizing the Council to form an Advisory Board for the purpose of reviewing the City's Home Rule Charter; by changing the scheduling of a public hearing from thirty days to one hundred and thirty days after receipt.— **(SPONSORED BY MR. O'CONNOR AND MS. McDONALD)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman O'Connor.

Mr. O'Connor:

Comments brought forward on 2240, please.

(REMARKS – ADDENDUM)

The Chair:

Very good. Other comments? We will schedule that public hearing on the Home Rule Report from the Advisory Commission shortly after the Labor Day Recess, also the public hearing regarding the ALCOA Development, will be the first hearings that we have coming back after Labor Day. Any other discussion or comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2279

Report of the Committee on Public Works, Water and Environmental Services for July 6, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2217

A Resolution entitled, "Resolution granting unto Richard and Lynn Pilarski, 8 German Square, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense a driveway and parking area on a portion of the right-of-way on German Square in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2218

A Resolution entitled, "Resolution granting unto United Steelworkers Building Fund, 60 Boulevard of the Allies, Five Gateway Center, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense a concrete handicap ramp on a portion of the right-of-way on Stanwix Street in the 1st Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2280

Report of the Committee on Planning, Zoning and Land Use for July 6, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2219

A Resolution entitled, "Resolution amending Resolution No. 668, approved July 9, 1990, entitled, 'Providing for implementation of a Residential Parking Permit Program (RPPP), Area "R", in the Bloomfield community pursuant to Pittsburgh Code Chapter 549."

Which was read.

Also,

Bill No. 2220

A Resolution entitled, "Resolution amending Resolution No. 95, approved February 21, 1994, Resolution No. 854, approved January 28, 1985, Resolution No. 829, approved September 22, 1986, and Resolution No. 489, approved June 8, 1989, entitled, 'Providing for implementation of Residential Parking Permit Program in portions of Bloomfield community pursuant to Pittsburgh Code, so as to amend the streets included in Area "H"."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MS. McDONALD PRESENTED

Bill No. 2281

Report of the Committee on Housing, Economic Development and Promotion for July 6, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2188

A Resolution entitled, "Resolution authorizing the URA to acquire that property in the Manchester Redevelopment Area, in the 21st Ward of the City of Pittsburgh, owned by the U.S. Department of Housing and Urban Development and designated as Block and Lot 22-L-162. The acquisition price is $20,700.00."

Which was read.

Also,

Bill No. 2189

A Resolution entitled, "Resolution approving the sale of Block and Lot 22-L-162 in the 21st Ward of the City of Pittsburgh by and between the URA and Manchester Citizens Corp., for $1.00 plus costs (residential rehabilitation)."

Which was read.

Also,

Bill No. 2190

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the

Urban Redevelopment Authority of Pittsburgh and 600 Waterfront Associates for the sale of Parcel 3 in the Twenty-Fourth Ward of the City of Pittsburgh in Redevelopment Area No. 45 (Office Building Construction). The purchase price is $206,212.21."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2282

Report of the Committee on Parks, Recreation and Youth Policy for July 6, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2187

A Resolution entitled, "Resolution authorizing the Director of the Department of Parks and Recreation to approve expenditures of an explanatory nature, not to exceed $1,000.00, in connection with the Community Enrichment Program."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, I want to make a motion to recommit this bill and will be making a motion to table it tomorrow.

The Chair:

Do you want to recommit it for purposes of further debate and discussion?

Mr. Hertzberg:

Just to table it.

The Chair:

I believe we can just table it.

Mr. Hertzberg:

I will withdraw the motion to recommit and make a motion to table.

The Chair:

Is there a second?

MR. COHEN seconded the motion.

The Chair:

Discussion on the tabling? Hopefully no discussion. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. Bill 2187 is tabled. That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions.

I do want to remind our colleagues, we have a public hearing at 2 p.m. this afternoon regarding the historic designation as properties owners on Beatty Street, the Alpha Terrace designation.

Under Motions and Resolutions, I believe Councilman O'Connor would like to speak first. Well, we will go to Mr. Onorato first.

Mr. Onorato:

Mr. President, I apologize, and I thank Councilman O'Connor for letting me go first. This should have really been under Unfinished Business.

Last week we talked about the City pool situation. I just want to bring everybody up to speed, because there is an article in today's paper and some recommendations that I think. But, Saturday and Sunday, as everyone knows, were probably the hottest two days of the summer and if it goes any hotter than that then we are going to have a real problem.

But, as I was going around to buy a pass for my family, I went down to Sue Murray, that is the designated pool on the North Side, it is open on Saturday, I was shocked to see a line standing outside of the gate of individuals, and as I looked through the fence to see the deep closed – and I do not know what was going on, and, as you can imagine, the people standing in line were pretty irate, and rightfully so. I do not blame the residents for being mad seeing the pool half closed. – as I went through, and I excused myself through the line, to get up to find out what was going on, I found out that it basically was a result of lack of lifeguards. We had three. Sue Murray is one of the larger pools, you need at least four to keep the deep open. So, there was the lack of lifeguards. I was told by certain individuals there that certain lifeguards called off or just did not show up.

That is unacceptable, and I believe some of this is management's fault and some of it goes to the lifeguards, some of it goes to certain lifeguards, not all of them. If an individual does not show up without giving notification, I think the individual should not expect to come back on Monday to have their job ready. We need individuals and we are paying them to do a job. You wouldn't expect a fast food chain or some other chain that services the public to say, I'm shutting down my counters today because three of

my clerks didn't show up. Somebody has to be watching the store to make sure these pools are open, especially when it is a hundred degrees on a Saturday and a Sunday. We knew well in advance what the problem was, we talked about it in this Chamber seven days before, or at least five days before this happened.

Well, saying that, I got my passes. I go up to Jack Stack to go swimming with my family, I look through the gate, the deep is closed at Jack Stack. I walk in there and I ask, "What's going on here?" There were enough lifeguards, two of them were taking a break, they decided to shut down the deep while they take their break. First of all, one lifeguard can take a break at a time. I do not know why we have two sitting there, but one. I asked them to open up. They immediately opened up the deep, because I walked in, a Councilman. Well, our pools should not work that way. It should not take a Councilman to open the deep but that is what happened.

So, the next day I decided to do a little tour of the North Side, on Sunday. To my surprise, I go to Riverview Park Pool -- this is the third pool now -- the deep is closed, on Sunday. I walk in there, I said, "What, are you short a lifeguard? No, Councilman, we have lifeguards, the problem is the Chlorinator has been broke all year and we had to do it by hand, the water is cloudy, we can't see the deep, it's a public safety concern."

So, I decided to go through the North Side. I move over to Pleasant Valley. Pleasant Valley, luckily -- that is on Charles Street -- it was open; however, the Chlorinator was broke and they did put it in manually but the clouding effect did not happen.

I go to Sue Murray again on Sunday, the deep is closed again. I walk in there and I say, "You mean you don't have your lifeguards yet? No, Councilman, we have the lifeguards, the Chlorine clouded the deep, we can't see the bottom." This is Sunday.

So, I go up to Cowley Rec. Cowley Rec. Pool was open on Sunday. I asked the lifeguards if there were any problems, they said, "Well, we had to shut down Saturday for an hour because -- " let me see -- because the lifeguards had to take a break and they were short a lifeguard.

Well, something is wrong here. Now I am not picking on any one individual. And, colleagues that have been here long enough with me will recall, I was extremely upset with the prior Director. I remember Mr. Young sitting at this table, and he and I went round and round over the pool issue. So, this is a three year old problem, I think that it can be handled easily. This Council voted to waive residency requirement for an emergency. If there is any emergency legislation that has to be presented here, bring it forward, let's do what it takes to keep the pools open.

I went through a few recommendations, and I think first that the Parks and Rec. management should send an order out to all lifeguards that we expect you to be there on the times you sign up, and we should make this very clear, if you are not there and you do not give prior notification and get approval to be off, do not expect to come back to work on Monday. If that is going to cause a larger problem, at least at a minimum have these individuals removed from the list for next year, because we do not want someone that just works when they feel

like it, we need someone there to keep these pools open. We waived the residency requirement in the past, I say we do it again and we coordinate with the County Parks, coordinate with the universities, the same suggestions we brought up 12 months ago to bring in lifeguards in this region to make sure these pools are open. If we have to put out a pay bonus for a two, three week period to make sure they are there, let's do it, the small increase in cost is nothing compared to what I saw at Sue Murray, and incidentally, they had to call the police in because of how wild it was getting down there, and once again the residents were absolutely right. They had little kids standing out there in the heat being blocked at the door and they were not allowed in.

The other things we can do, the notification is we teach by example, and that is with this, either the firing or removing from the list, but at the same time, the bottom line, it comes down to a managerial problem. We need someone to take control of the pools and the directive is, keep the pools open no matter what it takes. I do not want to hear an excuse I do not want to hear the lifeguard did not show up, I do not want to hear that they quit on us. I do not want to hear that any more, I want the pools open, and I am asking, whatever they need to do this, come to us with legislation if it is the residency requirement, come to us if it is a pay requirement. You heard this over and over again, Mr. President.

But, five pools on the North Side that I randomly check have a problem on the hottest day of the year, that is unacceptable and there is no excuse, and if we cannot do it in-house, well, then let's privatize the entire system. I do not want to hear excuses any more. I want the pools open. That is one of the small benefits we give to our residents. It is a great community pool because we have 32 and what that gives us is the opportunity to have a pool almost in walking distance of every home in this City, which is great. And, I just want to end by saying this, but if we can't keep the pools open, what good is 32 pools.

And, I just want to comment that I talked with an individual yesterday who has teenage children and I haven't seen them at the pool and they are friends of mine, I said, "Well, why don't you go to the pool any more?" They told me that they were so tired of going to the pool up at Jack Stack and having the deep closed and that the young boys wanted to swim, that it wasn't worth it any more, they just didn't renew the pass.

So, I just want to get beyond the excuses, and I just want someone that can keep the pools open. I do not think that is asking too much. I understand the problems out there, that is the problem in every business with young kids. I do not want to hear about immaturity, some of these kids are 16, some of them are 22. If you have two lifeguards taking a break, that's not supposed to happen, who's managing it? Why was that deep closed? I want an answer. I do not want to hear what I heard, that we're having a crash test course on Wednesday. If we are having it this Wednesday to hire more, why didn't we have it three months ago, the crash course, to have a big list? Why are we doing it Wednesday? This weekend is over and it was a mistake. I will give everybody one more chance. I just hope that we have a plan come forward so that we do not have this problem. We are in the middle of the swim season. I hope that I do not walk

around this weekend and see the same problem.

The Chair:

Thank you, Councilman. I am sure there is going to be a lot of discussion. Councilman Udin, and then we will go to Mr. Hertzberg.

Mr. Udin:

Yes. It is amazing that the same things that Councilman Onorato witnessed I witnessed completely independently the same kind of problems. For the second Sunday Ammon Pool was not open and did not open until after 3 p.m. on Sunday, the hottest day of the year. One of the reasons I was told when I went in the pool was because the third lifeguard – they couldn't open with just two lifeguards. There was a head lifeguard and another. The third lifeguard couldn't get there at 1 o'clock because she goes to church and therefore she saunters in at like 2:15 or 2:20. The head lifeguard had a bucket and was throwing Chlorinator in the pool because he claimed that the Chlorinator had been broken all summer and they had been complaining about it. The pool did not open until about 3:20 to give the Chlorination that he threw in from the bucket time to circulate throughout the pool. I returned at about -- I left and came back at about 3:30 and the lifeguard who came in at 2:20 was laying in the shade on a towel, where she stayed until about 4:15 when I left.

Kids -- apparently there is a new kind of fad, maybe this is just peculiar to Ammon Swimming Pool, but the kids have this fad where they swim with their clothes and shoes on. I do not know what the health implications of that might be, it is frightening to think what they might be, with their street shoes, their pants, their shirt, some of them, but many of them had on shoes. They were throwing adult women who had come their with children, in to the pool, dragging them along the concrete walk to throw them in to the pool. I mean the women would have to try to throw their purse and their keys and the little children that they were watching, to leave them on the side of the pool while they were being thrown in the pool by large husky teenagers. The only games that seemed to be played were dunking kids in the water, and the head guard exercised absolutely no policing of swimming pool regulations or rules, no attempts to stop anybody from dunking or throwing anybody in the pool. There was only one lifeguard, the one female lifeguard, was running around the whole pool trying to exercise some kind of rules but she was unable to do it by herself, while the head guard was hanging out with his buddies and the other one was sleeping in the shade. It is a tragedy waiting to happen at Ammon Pool and at other pools. I do not think that it just a problem with the lifeguards. I keep asking, where is the supervisor; who supervising this; where's the management; who knows what's going on? I have already met with the Director and her staff and they assure me that they have checked the problem with the Chlorinator and there is no problem and the people at the pool said it has been a problem all year. It is really frustrating to keep going around in circles. We ask, is there a shortage of lifeguards, they say, no, there's no shortage of lifeguards, but everybody else says, yes, there's a shortage of lifeguards because when we can't get people to come when lifeguards call off.

So, it is a desperate situation and the children are penalized, bottom line,

and I can understand why children are breaking in to the pools after hours, because they cannot get access to the pools all day, and if they do get access they are being dominated and terrorized by large teenagers who nobody is attempting to police. It is a very dangerous situation and we had better look in to it before more happens like the unfortunate situation in Homewood.

The Chair:

Thank you, Councilman. Let's go to Mr. Hertzberg. Councilman.

Mr. Hertzberg:

Thank you, Mr. President. The first indications I got of complaints over the weekend were a phone call from a newspaper reporter late in the day yesterday afternoon. I met with the Director of Parks and Recreation this morning to go over the situation. I think the -- again, going back to the lifeguard situation, if we look back to last year, Parks and Recreation set up a whole new program to recruit lifeguards, it was effective. I think you might remember, the problem we had last year, we had too many lifeguards and there were complaints from the lifeguards that worked previously that they were not getting enough hours, they had expected to receive a certain level of income and couldn't even receive it because there were too many lifeguards. This year the situation with the lifeguards, as far as the numbers, is not much different than it was last year. I can tell you what is different this year though. This year Parks and Recreation's regular full-time employment is much different than it was in the past. The lifeguards are part-time summer employees. Full-time, the Department of Parks and Recreation right now has 40 unfilled positions. With the retirement incentive program that went in to effect, Parks and Recreation lost approximately 11 people, most of them in the Administrative level. And, I am not making excuses. And, these kinds of incidents should not happen and they should be rectified. And, I am not satisfied, it is not acceptable to me either, but I do not believe the source of the problem is the lifeguards.

And, I think some of the talk that you are hearing is, yes, there's no one there to supervise them, I think that is accurate. We are trying to get a hold of this and I think the entire City is. I do not think Parks and Recreation is the only that is having trouble right now with all the different vacancies that have resulted from a lot of things, but I think that is something that everyone demands, too. I mean how do you do everything that everyone wants? Everyone demands that the cost of government be brought down, everyone demands that we get our budget under control and that we make these cuts, and so we did it. We said we were all going to go along with this retirement program, and all the directors and everybody said, we think we can work with this, we think we know who's going to retire and we're going to try to make it work. Well, it did not work a hundred percent, that is evident, and we are going to continue to try to make it work.

But one thing is for sure, if there is an unsafe condition at a pool, we are not going to be able to open the pool. If there is an unsafe condition in the deep end, we are not going to be able to open the deep in. It is unfortunate. I have been around pools my entire life and the closing of pools for a variety of reasons is not an unusual occurrence. When I was a kid and I wanted to go in the pool, I

remember getting mad a lot of days. Maybe the Chlorinator broke that day, they have a habit of doing that on the hottest days because usually that is when they are being used the most, the entire pool system.

And, I could not agree more with the attitudes that I see from some of our young people towards work, it is not what we are accustomed to seeing and it is not acceptable to me either. Thank you.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. From what I have heard, I think we need to have an emergency post agenda on this issue.

The Chair:

Another meeting.

Mr. Cohen:

There is still seven or eight weeks left in the summer, and this is now a public safety problem, it is not a recreation problem, and I would suggest we hold it as quickly as possible, and we include the Chief of Police, we include Budget personnel, because we are going to have to get in to that issue, and Parks and Recreation personnel. But there are obviously serious problems out there and we have got to do everything we can to avoid another tragedy at a pool, and that tragedy, frankly, could occur if the pool is closed because of people being upset that the pool is closed or, from what Sala Udin has said, when the pool is open. So, we have got to I think tackle these issues right now.

The Chair:

Well, I will be glad to attend yet another meeting. But, I think, quite frankly, the condition of our pools and the condition or perception of City services is fast becoming an Achilles' Heel. This Administration -- and I hope Mayor Murphy is listening to this discussion right now by my colleagues. We have had discussion just now on direct observation by -- at least two of my colleagues have spoken, as well as others who have called in to our offices regarding the lack of enforcement of rules regarding the swimming pools. We have had a number of safety issues raised here by Councilman Udin and others of certainly potential liabilities and yet another round of debate on potential Wednesday meetings, where we are talking about paying out claims of individuals who have grievances. There seems to be several problems, at least four that I heard right now, associated with Chlorine problems, where the machinery that is supposed to do this automatically is not working. We have had a significant health problem at least a year and a half ago regarding a Chlorine leak and an accident at Leslie Pool involving the harm and injury to one or more employees in the past. Chlorine is a significant health risk and I would certainly think that it is appropriate for the Allegheny County Health Department, whose jurisdiction is in this area, to do a pool audit this week regarding the problems associated, if and where, of any problems associated with the automatic Chlorinating of our pools. To me it is questionable whether or not people should be doing this by hand. I think it is a significant safety -- and, in fact, it may even be a violation of the Health Department and D.E.R. policy.

We continue the saga regarding the lack of management and the problems associated with lifeguards. It still to me is a lack of management at the top. These problems start from the top on down. There have been suggestions of at least the lack of police patrol at some of the pools. If you know we have a problem pool and it is a problem that is of public safety, that should involve a COP Officer or somebody of that sort, then that information should be thrown back to the COP Officers and the Zone Commanders. Is it going to kill a COP Officer to take a hike once in a while up to Ammon's Field, or up Ammon Pool, or one of the other pools, Highland Park Pool, what have you? I do not see that that should be a problem. And, it seems as though where there are daily incident reports, I would suggest that a police officer or somebody in a uniform needs to show up.

We have a lot of other personnel on the City work force that are trained as lifeguards, though maybe it would require some overtime, and maybe that is not the most cost effective thing but surely there are --

Mr. Udin:

There is a COP Office stationed at Ammon Pool.

The Chair:

Contradictions abound. I hate to be cynical but it almost seems as though somebody is planning a plot to create forced obsolescence of the swimming pools. I know there is a prevalent view among some of the Administration that we should just have three or four regional pools and we should get out of the pool business. Now, I hate to be cynical and maybe -- seven years I have been here, maybe at times I have displayed some cynicism, but I hope this isn't some plot to create forced obsolescence or the perception that, once again, like the zoo and the golf course, we can't run it, so therefore we either have to get rid of it or not do it. I hope that is not the case. But, obviously we will have to have another meeting, yet another meeting, and I will be there, but I am certainly not a happy camper right now.

Councilman.

Mr. Onorato:

Yes, I just want to clarify one point. Eighty to ninety percent of the lifeguards are busting their tails out there and they are great kids, but the problem is that the 10 to 20 percent that are a problem, if no one is properly disciplining them, do you know what that does to morale, to the good ones? That is the problem. The bottom line is this is a managerial problem and a good management will take care of the bad apples, because I know a lot of lifeguards that are there on time and they are concerned about the safety and they take it very seriously, and I do not want to cast a negative shadow over that whole lot. But, I do want to point out though there are some bad apples out there that are not being corrected.

The Chair:

I think Councilman Udin's profile of Ammon, at least this one instance, is a profile of basically having lost control of the pool, and I think, when that happens, God forbid something of a serious nature will happen, but that should not be happening. I mean that is a significant issue.

Mr. Onorato:

If I could just end. And, every pool might have little quirks about the different problems that they have, I understand that, but the bottom line – and I do not want to put the burden on the 16 to 23 year old, it is a managerial decision. The idea of downsizing, I am sure that the retirements had an affect here, but this problem is three years old, it is not a new problem. I want to point that out. And, at the same time, I do not mind if we have another emergency post agenda but I am only going to show up if they are coming to the table with some suggestions for the solution. I do not want to sit there and just hear why we can't do it. There better be some suggestions, because we have been through this before, Mr. President, many of us here, over and over again for three years. Thank you.

The Chair:

Thank you, Councilman. And, who will
– Mr. Hertzberg, maybe discuss with Mr. Onorato and others the facilitating of a post agenda. I am not sure who is calling it specifically but somebody could help facilitate the meeting, obviously the sooner the better. We should try to get this under control.

But, I would suggest, I think we need a review by the Health Department regarding this Chlorine issue. I remember we had an incident at Leslie a few years ago where an employee was hurt regarding Chlorine. And, I question whether or not employees should even be doing this by hand. Putting buckets of Chlorine in the water does not sound very safe or effective actually.

Other discussions on the pool? Any other discussion on this? Councilman, did you want to still raise your issue regarding your resolution? Mr. O'Connor has offered a specific resolution today.

Mr. O'Connor:

I have a resolution. I believe everyone has it in front of them. I will read it.

MR. O'CONNOR PRESENTS

No. 2283 WHEREAS, the City of Pittsburgh, during the past twenty years, has endured severe economic hardships with the loss of its industrial base and has not enjoyed the benefits of the national, economic resurgence, and is now engaged in an effort to rebuild its economy to the mutual benefit of the City of Pittsburgh and the Commonwealth of Pennsylvania; and,

WHEREAS, the Legislature of the Commonwealth of Pennsylvania now has before it legislation which, if enacted, would allow for a statewide referendum on legalized gaming and, furthermore, Governor Tom ridge has called for a referendum so that the people of Pennsylvania may ultimately decide whether or not gaming shall become legalized; and,

WHEREAS, significant redevelopment of former steel mill and other river-front sites in the City of Pittsburgh are now delayed due to the state's inaction on the gaming issue and, until this matter is settled, Pittsburgh's economic development will be without clear direction.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, petitions the Governor and the Legislature of the Commonwealth of Pennsylvania to quickly resolve the question of the legalized, river-boat gaming in the Commonwealth in order to allow an orderly and progressive redevelopment of Pittsburgh's river-front properties and other facilities which serve the region.

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh respectfully requests that the state Legislature put aside politics on this question and allow the matter of legalized gaming to be settled one way or the other. Each day of delay results in another day of uncertainty with regard to Pittsburgh's future. We therefore petition our elected representatives and our Governor, regardless of their individual views on the matter, to take decisive action now to decide the issue of legalized gaming in Pennsylvania.

The Chair:

There is a motion on the floor, is there a second?

MR. HERTZBERG seconded the motion.

The Chair:

Further discussion. Councilman.

Mr. O'Connor:

What this resolution is about, it is not a pro or con against -- whether you are for or against legalized gambling, this has nothing to do with that. What I am saying, it is a cloud again sitting over our heads. We have been talking about gaming and river-boat gaming for years and it was clear that Governor Casey was not going to sign a bill; therefore, everyone positioned themselves for a new Governor, whichever one would take reigns, presuming he or she would support it. Governor Ridge, upon his election, made it clear that he will only support it with a referendum, statewide referendum.

Again, whether you are for or against it, that is the way the Governor specified it. I think as long as that -- and, now the legislators are playing politics and they are holding it. In fact, Representative Paul Clymer of Bucks County, who heads that committee is threatening even to hold it. His statement yesterday was hold it till -- at least till next year or the year after. Well, what that does -- and I respect his opinion, if he is against it, that is fine, but while he is holding it, Pennsylvania, especially Western Pennsylvania and Pittsburgh, we are held hostage, because we have many, many locations that would be good for river-boat gambling or it would be good for development, such as the Convention Center, the expansion of the Convention Center, new hotels, the South Side, the North Side. There are a lot of things on hold because of this.

And, I might want to mention to our State Representatives, the State of Pennsylvania, we are the fifth largest in population and we rank 18th in new business and expansion. Ohio ranks first. So, it is not the sun belts any more, folks. In 1993, the top 20 business climates site locations, Pennsylvania was not even on the list. Our region lost 157 high quality manufacturing jobs in the last two decades, lost 54 percent of its manufacturing base. It was the most severely decline of any major metropolitan region. Between 1990 and

1993, the region lost 12,000 full-time manufacturing jobs or 8 percent. We keep declining. But, isn't it odd, of all the solutions, we have all of these economic development strategies, there are 200 private organizations that are supposed to solve the problem, that heads the list of the whole country. We have more groups out there trying to solve our problem than any in the country. This region has lost so much and I think it is time to "blank" or get off the pot, you sort of say. It is really hurting our development. There are a lot of good jobs available.

And again, river-boat gambling, I think -- the Mayor supports it and I think he has made it very clear that that is not the end all but it is one issue that we have been looking at, and I think when we discuss future things in Pittsburgh, that is one of the things, one of the top three. Maybe that should -- if it is there, okay, if not, we should remove it and look for other directions. And, that is what I am asking Council, to support this resolution and send a strong message to our legislators in Harrisburg, and I understand Philadelphia is having City-wide regionalized meetings on the issue. I just think we have to get behind it, again one or the other. I am not saying this is for or against the gaming issue. There are a lot of people with strong emotions on both parts, but it certainly isn't helping anyone to sit it committee for another year or two while speculators are sitting on these valued pieces of property, and not only the one piece of property, with all of the things around it. So, I think it is very crucial to our economic development that we get on with this, and it should be on the ballot as soon as possible.

The Chair:

Thank you, Councilman. Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President, and I will be brief. I just would like to say I support this resolution before us sponsored by Councilman Bob O'Connor. I believe a referendum could be a good catalyst in the State of Pennsylvania for a good dialogue and discussion on this issue. Presently, as Mr. O'Connor has pointed out, this is not a resolution either supporting or opposing river-boat gambling, and that is where I sit. I have not come in favor, in opposition of river-boat gambling, except opposition on the LTV site. So, I would think that it is about time that we really sit down in all earnest and discuss the issue, and also in a true democracy for such an important issue, I do not believe it is fair that one committee or one committee chair can really stop a referendum from occurring and really let people vote "aye" or "nay" on the subject. So, Mr. O'Connor, I thank you for bringing this forward today.

The Chair:

Mr. Onorato.

Mr. Onorato:

I just want to say I strongly support the resolution. One thing we learned over the last couple of years is that this cloud is definitely hindering development. You had a piece of property on the North Side that had a sale price of three million, over a night it sells for 26 million dollars. We have a prominent developer that has the location now, or an option on the land, my guess is he is not going to do -- or that company is not going to do anything until they see gambling is coming. If it is not coming

and they vote it down, I am sure they have a contingency plan to move forward, if it is coming, I am sure they have a gambling plan, but if we do not know, they are not going to do anything and that affects not only that part but it affects the stadium, it affects what is happening on the North Side, and it affects – and I was talking with Councilman O'Connor yesterday, just like something negative can act like a cancer and destroy an area, something positive can act just in reverse and start spreading throughout an area up and down the riverfronts but we are not going to have any developments.

And, if I can draw a parallel, this is not very much different than the problems we see trying to sell the Pirates, when you have this cloud out there. What's going to happen with Major League Baseball? Will there be revenue sharing, will there be salary caps? The fact that that was not settled, I think that is one of our biggest problems. This is the same thing. We have a big cloud sitting here which will have a significant impact on what happens on the riverfront and they are not even going to address the issue or give us a signal from Harrisburg of what we should be trying to do or what type of development we should be going after, and it hurts all of us and it hurts the City.

The Chair:

Other discussion? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Just a specific incidence of indecision in Council District 2 is the Lawrence Paint Building, for far too long an eyesore, it is now owned by Forest City and Harris. It is not acceptable to me at all that they await whatever action or whatever is supposed to happen on river-boat gaming before deciding what use to make of that building. That is not acceptable to me but that is what is going on, and I cannot blame them either as a developer. I mean you have a large building right on the river. What are we going to do with that? It makes a big difference to them and to their investment that they know one way or the other. And, I am not happy that that building continues to be the eyesore that it has been year in and year out and I have made that known to them and I will continue to make it known to them, but at the same time they are going to throw this reason back at me and they are going to keep throwing it back at me and I am going to keep fighting with them. I support your bill a hundred percent.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you. I also support it, because of the tremendous uncertainties that are out there. As any economist will tell you, there are two ways to bring wealth in to a region, one is to make a product, sell that product outside the region and bring money in, but the other is through tourism, and gambling certainly is part of that, and that will help bring wealth in to our region. I do not think it is the economic cure-all, frankly, for the region, but I think it will help bring wealth in to the region. And, so, I support Councilman O'Connor's resolution.

The Chair:

Very good. Any other discussion? I think this is a very important resolution,

and more importantly, it is very timely. I think it is very clear that there has been tremendous speculation in the last several years, in particular, unbelievable amounts of money being paid for potential riverfront sites of those interested parties who are speculating basically on river-boat gaming, whether it would or could be in the future.

But, I think, as Mr. O'Connor has pointed out, it really is stymieing potential development, not only expansion of the Convention Center, but four or five of the other key sites, even within our own municipality, but if you look around the region, I am sure there are other communities and other municipalities that are suffering the same kind of speculation. It was bad enough we had the environmental problems associated with some of these former industrial sites, we do not need just the specter or the indecision of gaming itself as the -- probably the most important reason right now why development is being stymied.

So, I agree wholeheartedly, I think it is an important resolution. I would just personally reiterate my concern about, we really have a tale of two types of communities. I mean we are legally a Commonwealth but the conditions in the urban areas, albeit Philadelphia or Pittsburgh, are much different than many of the rural counties, and I still -- in terms of just democracy and fairness, I still, while favoring a statewide referendum, still object to the basis of that statewide referendum being voted on by every county and resident dictating two urban areas that I think would -- many instances, might potentially favor some type of gaming of some sort, whether it be Poker Machines or building hotels with slot machines, or whether it be something on the river, is a separate issue. But, I wish we could reiterate our concern that as a county or as a municipality we should try to be able to decide our own destiny, not have to rely on Lycoming County or some Center County or some other area that is probably completely disinterested in this issue. But, I wholeheartedly support the resolution.

Mr. O'Connor.

Mr. O'Connor:

I certainly agree I think and you bring up a good point, Allegheny County should be able to hold some of its own destiny, but unfortunately the way the system works, I do not think that will happen right now.

But, I would request that we send a copy of this resolution to the Governor and the leadership, the State and both Houses, and also I have requested a meeting with the Governor and the leadership, that I would go, and any of you would certainly be invited, if he accepts the request, and also I believe we should send a letter, hearing what you have said about some of the individual sites, one on the North Side, the South Side -- and two on the South Side. I think Mr. Clymer, who is leading the opposition, although I respect his opinion, I would like to invite him to come to Pittsburgh to see these sites and to see where this cloud is really hampering us. So, if he saw it firsthand maybe he would understand where we are coming from. It is not a question of pushing river-boat gambling one way or the other, but it is really a cloud hurting our development. So, I would request that he be invited to come to Pittsburgh, too.

The Chair:

Excellent. Mr. Cohen.

Mr. Cohen:

Another issue.

The Chair:

All in favor of the resolution?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much, and please work with the Clerk's Staff, we will communicate copies of it to both the House and the Senate, the leadership, to the Governor, and I think we should formally separately by letter, Mr. O'Connor, act on the invitation to the gentleman to apprise him of the problems we are suffering with the indecision by his leadership as a committee chair.

Mr. Cohen, on that unrelated issue.

Mr. Cohen:

Thank you, Mr. President. Briefly. I introduced legislation this morning along with Councilman Ricciardi to restrict private haulers from trash pickup between 11 p.m. and 6 a.m. in the morning in residential zones, or within a hundred feet of a residential zone. We will discuss it tomorrow, but the reason I am bringing it up now is, for my colleagues, if other Members of Council have received complaints about late night haulers in residential zones, I would appreciate it if they would let me know. This really comes from complaints in the North Oakland area of my district. When I went to Councilman Ricciardi, who is head of the committee, the Public Works Committee, he said that he is experiencing the same problems on the South Side.

So, please let me know if you are having these problems. People are having trouble enough sleeping with the intense heat out there, a lot of people do not have air conditioning and they have to keep their windows open, they do not have to be further bothered by waste haulers in the middle of the night. In fact, I just got a message from somebody in Lawrenceville, Mr. President, who is having the same problem. So, if you could let me know I would appreciate it, and we will discuss this morning. Thank you.

The Chair:

Thank you very much. Councilman Udin.

Mr. Udin:

Yes, Mr. President. At a time when we are concerned about the loss of jobs and the economy of the region, I just want to point out that the hospital service laundry in my district is still experiencing problems created, I believe, by the way that the hospitals that own the laundry handle the transition of the laundry to a separate and private owner. The status of it right now is that the laundry has been closed, the 80 workers have been thrown out in to the street, jobless and their families are now without benefits. The laundry that is being created by this consortium of hospitals, all Pittsburgh hospitals, all tax exempt, is being done outside of Pittsburgh by some company in Allentown, Pennsylvania, up by New Jersey or New York border somewhere, and nothing is being done, no talks are going on, and the families are just out in the street. There is no wonder we cannot

attract new industry and new business to Pittsburgh if the way that they treat their workers is the way that these hospitals have conducted themselves in this measure.

And, I just want to call upon the hospitals associated with this, the University of Pittsburgh and all of its member smaller hospitals as one member of the consortium, Mercy Hospital is another hospital in this consortium, Children's Hospital is another hospital in this consortium, Magee Women's Hospital is another hospital in this consortium. I call upon these hospitals, if they are non-profit agencies, if they are agencies whose job it is to care about people, that they can begin by caring for the people who do the dirtiest job in the institution but the most important and critical job. What would these hospitals be like if they could not rely on clean linen for their patients. The way these families and these workers have been treated is deplorable and I will continue to raise the issue until the matter is resolved in a way that is someway amenable to the workers who have been faithful and loyal to this laundry for the last 25 years. Thank you.

The Chair:

Thank you, Councilman. Other discussion? Hearing none, we -- again, we have a public hearing at 2 p.m. regarding Alpha Terrace historic designation.

I would like to have both a motion to excuse the absent Member and a motion to recess and meet again this meeting Wednesday, July 19, 1995, immediately following our Standing Committees Meeting, and also to approve the Minutes.

MR. UDIN moved to excuse Mr. Cusick for absence from the Meeting.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

MR. UDIN moved to approve the Minutes of Tuesday, June 27, 1995 and Thursday, July 6, 1995.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

MR. UDIN moved to recess this meeting and meet again Wednesday, July 19, 1995, following the Standing Committees Meeting.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

And on the motion of **MR. UDIN**

Council recessed.

Pittsburgh, PA
July 19, 1995

And the time of recess having expired, Council reconvened and there were present:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

The Chair:

I would like to reconvene City Council's Legislative Session which took place yesterday. This is a reconvened meeting. I am calling the meeting to order. We have a couple of matters to take up.

REPORTS OF COMMITTEES

The Chair:

First, under the Committee of Planning, Land Use and Zoning, Councilman Udin, Chairperson. I would like to ask the Clerk to read the bill.

MR. UDIN PRESENTED

Bill No. 2284

Report of the Committee on Finance and Budget for July 19, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No 1761

A Resolution entitled, "Resolution providing for the designation as an Historic Structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure located at 121-123 First Avenue (also known as 120-122 Boulevard of the Allies), designated as Block and Lot Number 1-G-125, in the First Ward, City of Pittsburgh."

Which was read.

The Chair:

We had a 90-day time constraint for a final approval on this bill and I think today is the 89th of the 90th day, so we need to take action.

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Udin, do you have any discussion?

Mr. Udin:

Well, I would just have my comments brought forward from the previous discussion that we have already had.

(REMARKS -SEE ADDENDUM)

The Chair:

I would like to ask that all comments be brought forward on the bill.

(REMARKS -SEE ADDENDUM)

The Chair:

Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

And, that concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, Councilman Udin, yesterday, as well today, raised an issue regarding some 80 workers that historically have been employed in the community with a consortium company representing various hospitals that have done linen and laundry associated with the consortium that Mr. Udin has put the placards up yesterday and today naming the hospitals. I believe they were and maybe are still continued to be represented by Local 29, the Service Employees Union –

Mr. Udin:

141.

The Chair:

– or, 141. Excuse me. I know, at least myself, I have not received any information formally from the union just apprising us of what is going on. I really appreciate Councilman Udin for bringing this issue to our attention. I would like to suggest – there are any number of things that can happen, very similar to Clark Candy or other situations, but I think the rank and file and/or the union needs to make some overtures, formally at least, to City Hall and to County Government, I am sure there would be a willingness to be – a commitment to work on the issue, it probably could have happen or should have happen sooner.

But, notwithstanding that, I am available to help facilitate any kind of an interaction with the hospitals involved. I assume they want to get out of the laundry business, I do not know if that is because of contract differences with the union and the negotiated contract that was underway at the time that there was the closing, I do not know if they made as cost change.

But, in any event, I think it is unacceptable that we have 80 unionized workers out on the street with their families. I also think it is unacceptable, as Councilman Udin has raised, yesterday and also when he was inaugurated, that we are talking about non-profit institutions in the City of Pittsburgh and the profile of these workers is disproportionately women and African-American, as well as Pittsburgh residents, and I think there is somewhat of a contradiction there, and I think there ought to be a way to prevail upon these hospital based corporations. And, again, hospitals may be non-profit but they in fact are all business and that is the manner in which they have conducted themselves here.

I think we need to make an overture directly to the Mayor to intervene at this point and see what kind of resources can be brought to bear or what opportunities are available for the employees. There may be any number of arrangements where an employee-owned laundry could be operational in this City which would contract to the hospitals.

Again, not knowing all the facts, but I think that the issue right now is interaction on the part of local government, that needs to change. I am ready, willing and able, I am sure the Mayor is, if we need to communicate to him. I see our Deputy Mayor here, Mr. Sirabella, who I think will take the message back to the Mayor. But, I am sure all of here around the table are willing. There is the nice way to do stuff and there is the direction action way, Councilman Udin and I both are familiar with both ways, and I think at this point we need to have some kind of face to face with the institutions. At times we have filled these Chambers with the affected workers to raise the issue, to put the media spotlight on the institutions. Whatever the tactic needs to be, I am sure this Council stands ready as a body to help these families. Thank you.

Councilman O'Connor.

Mr. O'Connor:

That is basically similar to what I wanted to follow-up on. I think Councilman Udin brings up a good point. I might add that maybe the Mayor and Economic Development and Council might jointly call a meeting as soon as possible with these four hospitals, their business – whoever is handling this part of their business. These are business decisions, and I know a lot of them are going to different organizations. Right now there are umbrella groups who are doing food, laundry, housecleaning in different – whether it be hospitals or buildings. We may be able to look at the four hospitals involved with this group. If it is economically not feasible to handle just the business they have, why not reach out to the other hospitals to make it more profitable, to keep the people working. In other words, what I am saying is, I mean if there are four hospitals that are not going to do it now locally, maybe we can make it eight hospitals, or all nine hospitals in Pittsburgh – we have nine in the City of Pittsburgh – and ask them to all join in and do their laundry through this company, possibly give everybody a price break and then keep these people and, in fact, maybe even add jobs. So, there are different angles. But, I think it would take the initiative of the Mayor and, as you said, President of Council, with us behind you, Mr. Udin, to at least get the facts on the table, that we can look at other alternatives before we close it.

The Chair:

Thank you, Councilman O'Connor. Councilman Cohen.

Mr. Cohen:

Thank you. I would just like to offer my assistance in any way. I think this letter to the Mayor's Office should be signed by each and every Member of Council so as to give it a little bit more gravity. And, I would just like to offer my support. If we have a meeting I want to be there and, as Councilman O'Connor said, try to see if there is a way that this can be worked out. It seems to me – and, again, I only know about this issue through you, Councilman Udin, but it seems to me that there has not been that kind of face to face with elected officials, maybe there has been and I do not know about it, but I would certainly like to have that face to face with City Council.

The Chair:

I would also like to suggest that the Councilman could help facilitate the convening of this meeting, obviously

Chambers is available or the conference room. I would also ask maybe that Steel Valley Authority be invited, they have developed a lot of expertise on displaced, dislocated unemployed workers, as well as alternative arrangements. It would seem to me that with the large volume of work being provided by local hospitals, as well the County Government, to the jail and other procurement, our own City Government procures cleaning of some sort involving linen and things of this sort, with so many public institutions involved that require this type of contract services, I would think the market would be local, right here, not only just the hospital work but other major local institutions, ourselves included. So, maybe that could be the basis for Steel Valley Authority assisting these workers in either an employee buyout of the company or -- I am not sure what the arrangement could be. but I think we need t get all of the parties at the table and try to facilitate the strategy.

Councilman Udin.

Mr. Udin:

Yes. In fairness to the Administration, I have been in some discussion with the Mayor and the staff of the Administration and have made my concerns known, they are looking into it and I expect to hear from them, hopefully it will be a positive and a strong response of leadership. And, I will move forward in trying to create some interface between the hospitals, the union and this body.

The Chair:

Very good. In addition to the letter of communication, I think maybe a similar letter directly to the hospitals involved, so that they understand your concern as well as the concern of our colleagues.

Mr. Udin:

Thank you.

The Chair:

Thank you. Any other matter to be brought under Motions and Resolutions? If not, immediately following this we will turn it over to Mr. Hertzberg and Mr. Onorato to Chair the meeting on the issue of the swimming pool situation.

At this time I would entertain a motion to formally adjourn.

And on the motion of **MR. COHEN**

Council adjourned.

(MR. O'CONNOR'S COMMENTS ON BILL NO. 2240)
(Wednesday, July 12, 1995)

Mr. O'Connor:

Valerie and I introduced this bill and it passed. What we are asking for in our bill, originally we gave — after the committee finished their plans and presented us their proposal, it calls for 30 days to have a public hearing. I think the time is too short and what we are asking for is an extension on that time to 130 days or 120 days, so that would give us time in September or October.

I just talked to the Chairman of the Commission, Leroy Irvis, and he thought it best also to come in. We are asking him to come in in September with people on the Commission. There were 14 people on that Commission from the city who we want to personally thank for all their hard work, come in, have a meeting with us to discuss it publicly with us in September, and then hopefully in a couple weeks the president will set a public hearing so we have the opinion of the neighborhood and all the voters.

What this is calling for is an extension.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(COUNCIL'S COMMENTS ON BILL NO. 1761)
(Wednesday, July 12, 1995)

Mr. Udin:

This is the historic structure down on First Avenue that has been before the Planning Commission, been approved for historic designation and there have been some discussions with a perspective buyer of the property. I understand that those discussions have been moving along and that the way is clear and there are no objections to the historic designation. So I move for its passage.

The Chair:

Councilman Perlo.

Mr. Perlo:

Thank you, Councilman Udin.

First of all, I wholeheartedly support the historic designation, not only of this building, but I think we had good testimony and eloquent testimony at the public hearing, not only about this specific criteria, the architectural significance of this structure, but the tremendous economic development activity that has happened on first side for the last half a decade, partly driven by the market conditions for the creator of renovation, restoration and re-adaptive use of many of these older buildings. In fact, as a conglomerate, I would actually very much urge that the Planning Commission move quickly and consider designation of first side as yet another historic district Downtown neighborhood because of the large number of historic buildings in the area.

I think the problem we have here — and I am just trying to find out where we are at with the process. Setting aside the issue of stand-alone support for the designation of the Mamaux Building, I think the problem here is just the peculiar nature of property rights issues and who first notified the property owner and the out of town person who actually owns the building, versus AFSCME as a local adjoining property owner who had expressed interest for demolition for parking. At the request of I think many Councilmembers and certainly the community, to their credit Mayor Murphy intervened personally and felt very strongly about trying to have a win/win situation here, not only the restoration and the possible designation of the

building itself as historic, but more importantly recognizing the urgent need that AFSCME has, since they have made a significant investment in an adjoining piece of property. I think what he was attempting to do over the last few weeks is to try to have a situation where AFSCME can either be bought out of the situation and have their parking needs met. I think what many of us here were trying to do was keep holding this bill until such time that we saw some light at the end of the tunnel.

We statutorily have to act on this ordinance one way or the other at least by July 22nd in order to meet the constraints of the ordinance. So where are we at right now and do we want to hold this for yet one more week in terms of some transaction?

I think Council may be split on this whole issue of the designation itself, also, and I think we would like some assurance that there is actually a deal that is going to be struck and AFSCME's concerns are going to be addressed.

Ms. Hirsh:

There is light on both ends of the tunnel because, in fact, there really have been two separate issues here: One is trying very hard to be responsive to AFSCME and their parking issue and investment issue; and also trying to be responsive to folks who are concerned about making sure there can be a sale on the building. So we have, in fact, been working on both of those problems. I think we are very close to resolution on both of them.

Mr. Ferlo:

If we were to hold this one more week, would we see the light open up and some contractual agreements be entered into or some kind of memorandum of understanding, something that would affect legally the fact that the building can be saved and not at the expense of AFSCME's dire to have parking, and also AFSCME to be made whole? Their concern for Mr. DeLano was the issue — I think he alluded to the fact that he had a $30,000.00 - $40,000.00 investment.

Ms. Hirsh:

I understand. The administration wants to make sure that, in fact, they are made whole, both financially made whole and taking care of their parking

situation.

Mr. Ferlo:

I guess what I am saying is being an advocate for designation, I think the working majority here may — the vote on whether or not to designate may increase if we knew AFSCME's issues would be resolved.

Ms. Hirsh:

We will deliver you something more concrete by next week.

Mr. Ferlo:

Will we have something by next Wednesday?

Ms. Hirsh:

Yes.

Mr. Ferlo:

I was not going to suggest we cut-off discussion here, but I was going to prevail upon the Chairman, if he would give consideration to hold for a week.

Mr. Udin:

I was concerned about the time line for when it would automatically have to go back for another hearing. We are getting very close to that.

Ms. Hirsh:

We are. Next week would be the absolute last.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I agree with Mr. Ferlo. I think what he is trying to say is if there is no deal — I can't vote for something that I am going to make historic that the owners now I know don't want historic. The new owners who may want it, I may not object to that. So if something would go wrong with the sale, then you would put us in an awkward situation.

Ms. Hirsh:

I understand.

Mr. O'Connor:

So I would ask Mr. Udin, if it doesn't work, I don't care if it goes back to the Planning Commission, it is no problem for me to go back, although I appreciate your position where it doesn't have to go back.

Ms. Hirsh:

Well —

Mr. O'Connor:

But I don't want to make a mistake.

Ms. Hirsh:

The issue would be that as of the 22nd, the protection from demolition evaporates, so while another hearing would have to be scheduled and held, so on and so forth, it would take a while to —

Mr. O'Connor:

I am sure if you are working with AFSCME on a good relationship, they would not tear the building down.

Mr. Perlo:

They don't own the building.

Mr. O'Connor:

Who owns it?

The Chair:

Director, I guess the administration has seven days to work hard for an idea.

Mr. Perlo:

Can we clarify something?

Mr. O'Connor:

I thought I had the floor.

Who owns the building now?

Ms. Hirsh:

Who owns the billing now is a woman who lives in New York whose name escapes me at the moment. She is ably represented by Council in town.

We have been dealing with prospective buyers for the building and we are very close to an agreement.

Mr. O'Connor:

What happens to AFSCME who had it? Where are they going to park their cars?

Ms. Hirsh:

That is also being worked out. As Councilman Ferlo points out, there is not a piece of paper that has signatures on it at the moment.

Mr. O'Connor:

If we hold this, it is another power deal that takes two years, what happens?

Ms. Hirsh:

I don't think. I think actually we have been working on this for about six weeks and, in fact, when people — people were at this end and in six weeks we've got people right about here (indicating). I think that is a lot of progress.

Mr. O'Connor:

If it is a one month delay, what happens on this?

Ms. Hirsh:

I think what there has been is a tremendous amount of good faith on both sides. AFSCME has been very cooperative, we really appreciated their efforts. A number of folks on first side developer and first side are very cooperative. I think there is a lot of good will here. I don't think that there would be a

bulldozer in the night, but —

Mr. O'Connor:

Mr. Ferlo will be sleeping down there.

The Chair:

He has one with headlights. Look out.

Ms. Hirsh:

I will be with him.

Mr. O'Connor:

You guys better hope I don't buy it.

That corner lot that is empty, I think most of it is empty, the adjoining lot, there are a couple lots on the corner going up toward Froggies?

Ms. Hirsh:

Yes, on Market Street. They are parking lots.

Mr. O'Connor:

If a developer wants to come by and needs that and this building for a nice 20 floor office building, say, I am talking five years down the road, what happens to that historic building? In other words, it is there forever?

Ms. Hirsh:

Well, Councilman, actually nothing is forever.

The Chair:

This bill is.

Ms. Hirsh:

It would take a lot more political — it is not that you can never demolish an historic building, it is just that it requires a little more work. It requires a lot more community consensus. Also, if somebody were going to try to do that, they would also have to take the AFSCME building and AFSCME has invested over $1 million in it. It is kind of hard to imagine that AFSCME would just allow that investment to go down the

drain.

Mr. O'Connor:

That corner is a prime corner.

Ms. Hirsh:

Yes, but the AFSCME building is in between the parking lot and the Mamaux Building. In fact, in back of it there is a very healthy section of First Avenue.

Mr. O'Connor:

In other words, say they bought the AFSCME building, went all the way down, a parking lot on both sides, I guess. There two buildings there today and there are parking lots on both sides. One is in business, the other one is -- I guess I don't know if he parks cars or not, but I am sure he doesn't pay taxes. If somebody wanted to buy that block and build a whatever, very nice office building, could it be done?

Ms. Hirsh:

It could be done.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. Chairman. I am going to be voting to hold this for one week and if this isn't worked out, I will be voting against the bill.

I am very concerned. This is probably the first time that I have seen the owner oppose an historic designation, and that causes me great concern. I mean, at one point in time our Supreme Court ruled that an historic designation amounted to a condemnation. It ended up reversing itself, but there is some significance in my mind to their first decision, and it was well-reasoned when it was made. The owner of the property, particularly a downtown property that is, you know, in the middle of a lot of real estate that changes hands and has great concerns about the marketability and value of their property to different purchasers, they are significantly impacted by historic designation. So it causes me a lot of concern.

The other thing that I wanted to mention and ask you about is if, in fact, there were no vote by the deadline date, isn't there something within our ordinance itself that kind of kills the whole thing for a while? Isn't there a moratorium? I don't think it can just go back to Planning and get re-established again.

Ms. Hirsh:

I think, though, we would move immediately for another hearing and we would work it as quickly as possible.

Mr. Hertzberg:

I don't have the ordinance in front of me. You might want to check it, because I think there might be something in there. There are some protections to the whole process that it only take a certain amount of time and that if it is a no vote, it is off limits to try to bring it up again for a while or if nothing happens. Just so everyone is aware of that.

Ms. Hirsh:

I will check on it.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 25, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Ms McDonald	**Mr. Udin**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Hertzberg

The Chair:

Good morning, everyone. Would you all please rise for the Pledge of Allegiance. Would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young man here today, Mark Wroblewski, he lives in Carrick, he is 11 years old, he is entering the 6th Grade at St. Basil School. His great grandmother, Dolores Smith, is here, and Dolores is actually from another neighborhood within Councilman Cusick's District, the Brookline community. Mark is going to lead us in the Pledge of Allegiance.

And, our moment of silent prayer, I thought it would be appropriate, certainly our City, and the McNamara family and many friends and associates are saddened this morning with the announcement this past weekend of the loss of a friend and a colleague and a fighter for many, many people for many years, and that is the loss and untimely death of Lieutenant Pat McNamara. Pat was a giant of a man, not only in his physical stature but equally important, he was a giant who made a lasting contribution to his comrades within the F.O.P., to the neighborhoods of our great City and he will be missed by all who benefited from his life's work. And, we will announce some of the arrangements regarding Pat's funeral and service later on during the meeting.

So, at this time, Mark, if you would like to lead us in the Pledge of Allegiance. Mark.

Mark Wroblewski:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Mark. Our City Clerk, Linda Johnson-Wasler, would like to present you with the flag of our great nation and the flag of our City.

I also ask my colleagues to be supportive, I would like to try to work with the family members of Lieutenant McNamara and some of the comrades and officers within the F.O.P. and maybe together we can come up with a – determine a well deserved and fitting tribute to Lieutenant Pat McNamara, and I will be talking to you more about that over the summer months.

PRESENTATIONS

The Chair:

At this time I would like to announce that we have a number of important guests in the audience today to pay tribute to, and at this time I would like to introduce – well, Councilman O'Connor is out of the room right now. Let's move to Councilwoman Valerie McDonald, on behalf of all of our colleagues. Councilwoman McDonald.

Ms. McDonald:

Would Ms. Sofronia Harris and interested parties, would you like to come forward and receive a resolution.

The Chair:

Let's get all of the staff up here and colleagues from the –

Ms. McDonald:

All the staff. All the staff.

The Chair:

– Human Relations Commission, you are welcome to come forward.

Ms. McDonald:

Yancy, all the staff.

The Chair:

Let's show some support here.

Ms. McDonald:

Just don't want to be on T.V., that's all it is. I don't blame you.

This resolution is for Ms. Sofronia Harris who has been an employee for a long, long time with the Human Relations Commission and I think that the City is going to miss her. It is hard to say that someone is not replaceable, but by the same token, your personality, the diligence, the loyalty that you have shown over the years – and I know you showed it, I have not been here over the years but I have heard that – I don't know, someone is going to really have to fill some awfully big shoes here.

But, I also want to recognize all of the staff members who were instrumental in asking for this resolution and for this recognition. You all obviously admire here as well, and particularly to Connie Zatek, who is the secretary. So, without further ado, let me read the resolution.

MS. McDONALD PRESENTS

No. 2285 WHEREAS, Sofronia Harris, has been a loyal and dedicated City of Pittsburgh employee for over 23 years; and,

WHEREAS, Sofronia Harris announced her decision to take advantage of the City's early retirement benefit package this year, so she may pursue her calling as an Ordained Minister and continue her work with the Greater Emmanuel Church; and,

WHEREAS, Sofronia Harris, has been a remarkable role model as she has held virtually every position offered by the Commission. Sofronia rose from an entry level position of clerk-stenographer in 1972 to becoming only the second woman to serve as director in the 40 year history of the Commission; and,

WHEREAS, while working full time and raising five children, Sofronia earned an Associates Degree in Legal Secretarial Science from the Community College of Allegheny County and a Bachelor of Science Degree in Public Administration from Point Park College.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Sofronia Harris for her commitment and dedication throughout her tenure with the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh wishes the best to Sofronia Harris in all future endeavors.

SPONSORED BY COUNCILMEMBERS VALERIE McDONALD, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Ms. McDonald:

This resolution is presented on behalf of the entire -- we are all co-sponsoring this resolution because we feel it was very important. So, Ms. Harris, I would like to turn the mike over to you. Yes, you have got to get up here.

Ms. Harris:

Thank you, Councilwoman. I am just so honored and surprised and I have to say, please, with this resolution I just want to thank -- I thank God for the job that he gave me some time ago and I thank God for the people that he put on the staff. If it had not been for the staff -- you know, this was a joint thing, what we have at the Commission. The work of the Commission is so, so important to the City of Pittsburgh until it takes dedicated people. You really have to love people in order to stay there. And, I am just grateful and I just want to say thank you to Council, I want to say thank you to staff, I want to say thank you to all my friends and the Commission members who help me and gave me so much support for this, and again I say thanks.

The Chair:

Thank you and congratulations. I would like to welcome Ms. Jeannie

Caliguiri in the Chambers today also. Welcome, Jean. And, Larry Kuzmanko I see, our old friend from the Pittsburgh Marathon, welcome. I don't know if you are here for a proclamation or a resolution, I don't see one before us, but suffice to say, we are here and we applaud all your hard work in the community.

At this time I would like to call on Councilman Bob O'Connor and Mr. Hertzberg, who have a resolution to be read into the record. I would ask the City Clerk to please receive the resolution.

MESSRS. HERTZBERG AND O'CONNOR PRESENT

No. 2286 WHEREAS, Brigadier General William B. Lynch began his illustrious Air Force Career in 1965 after Graduation from Brown University: and,

WHEREAS, After Completing Officer Training School, Brigadier General Lynch attended Undergraduate Pilot Training and was assigned as a Pilot in the RF-4C reconnaissance aircraft; and,

WHEREAS, As a Command Pilot, Brigadier General Lynch has flown over 5,000 hours, including 100 unarmed reconnaissance missions aver North Vietnam; and,

Decorations including: Meritorious Service Medal with two .Oak Leaf Clusters, Air Medal with nine Oak Leaf Clusters, Air Force Commendation Medal, Presidential Unit Citation and several "Top Gun" awards: and,

WHEREAS, As Commander of the 171st Air Refueling Wing, Pennsylvania Air National Guard, Coraopolis, PA, Brigadier General Lynch is responsible for twenty KC-135E aircraft involved in world wide air refueling and airlift missions, 2,000 military and civilian personnel, a significant number of which are City of Pittsburgh residents and employees and execution of a budget in excess of $53,000.000; and,

WHEREAS, When units were consolidated/downsized Brigadier General Lynch's leadership and management saved many jobs; and,

WHEREAS, Brigadier General Lynch's assistance was invaluable when the 911th Air Guard was placed on the closure list: and,

WHEREAS, Brigadier General Lynch serves on the Board of Directors of the United Way of Western Pennsylvania, is an active member of the National Guard Association of the United States and Pennsylvania and is a member of both the Federal and Ohio State Bar; and,

WHEREAS, Brigadier General Lynch has supported the City of Pittsburgh Partners in Parks Program participating with his unit in restoration projects in Schenley and Riverview Parks; and,

WHEREAS, Brigadier General Lynch was instrumental in the unit's participation in Viet Nam Veterans of Western Pennsylvania's Leadership Program: Stand Down "94 For Homeless Veterans; and,

WHEREAS, Brigadier General Lynch is leaving the Pennsylvania Air National Guard Coraopolis Position and a dinner is being held in his honor on July 21, 1995 at the Airport Marriott; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates Brigadier General William B. Lynch and wishes him continued success and happiness in his future endeavors.

MR. O'CONNOR moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

Thank you. I would like to welcome all the young people that are here today from the Circle C Summer School Program, many attend Oliver High School. Circle C provides young men a summer education enrichment program. I guess this is part of it, touring and understanding better the operations of City Government. I know that Circle C serves youth not only from the City of Pittsburgh but also throughout Allegheny County as well as the County of Westmoreland. We want to welcome you here this morning. And, I believe the Administrator is here, Cathy Carlson. I would like to welcome all of you and applaud you for your hard work, and let's work hard to improve our lives. Thank you. Let's give them a hand.

At this time I would like to move to Presentation of Papers.

MR. CUSICK PRESENTED

No. 2287 Resolution authorizing and directing the City Solicitor to file a formal complaint with the PUC concerning the adverse effect on services to City residents from closure of the Banksville service facility.— **(SPONSORED BY MR. CUSICK AND MR. FERLO)**

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 2288 Resolution providing for the issuance of a warrant in favor of the U. S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of $1,700.00 in payment of the Annual Materials Fee Invoice, charging the same to Code Account 1482, Miscellaneous Services.

Which were read and referred to the Committee on Finance and Budget.

Also,

No. 2289 Resolution adopting Official Sewage Facilities Plan for the George A. Roberts Hall, located on Carnegie Mellon University's Campus, 200' ± East of Boundary Street in 750' ± South of Forbes Avenue in the 14th Ward of the City of Pittsburgh. (Revision of said property.)

Which was read and referred to the Committee on Engineering and Construction.

MR. CUSICK FOR MR. HERTZBERG PRESENTED

No. 2290 An Ordinance repealing Title Four, Article XI, Parks and Playgrounds, Section 473.06, Solicitation, Merchandising, Advertising and Signs.—**(SPONSORED BY MR. HERTZBERG AND MR. FERLO)**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTED

No. 2291 Resolution amending Resolution No. 373, effective May 26, 1995, entitled, "Resolution providing for an agreement(s) and contract(s) with consultant(s) and vendor(s) to assist the City in improving its Citizen Participation Process," by decreasing the amount from $150,000.00 to $125,000.00.

Also,

No. 2292 Resolution amending Resolution No. 322, effective May 16, 1994, entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1994-1995 Community Development Block Grant Program," by decreasing a line item and the total cost by $100,000.00.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2293 Resolution amending Resolution No. 149, effective March 8, 1994, as amended by Resolution No. 277, effective May 3, 1994, entitled, "Providing for the filing of a Community Development Statement by the City of Pittsburgh HUD for a grant in connection with the 1994 CDBG Program" so as to decrease a line item in the URA and increase a line item in the Department of Personnel and Civil Service, in the amount of $100,000.00.

Also,

No. 2294 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property in the 26th Ward of the City of Pittsburgh being designated as Block 46-J, Lot 223 – Pittsburgh Housing Construction Fund.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2295 Resolution approving sale of land by URA to Perry Hilltop Association for Successful Enterprises, Inc., for Block 46-J, Lot 223 in the 26th Ward of the City of Pittsburgh (sideyard).—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2296 Resolution authorizing a Cooperation Agreement with the Urban

Redevelopment Authority of Pittsburgh for the North Shore Redevelopment Project providing for the conveyance of City-owned property, the construction of certain public improvements, including a park, the dedication of the park to the City, the vacation of streets and the abandonment of water and sewer lines, all in accordance with the North Shore Proposal and Modification No. 6 to the Redevelopment Area Plan, and the Indemnification of URA.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2297 Resolution providing for the conveyance of certain property in the 23rd Ward of the City of Pittsburgh to the Urban Redevelopment Authority of Pittsburgh for the sum of $1.00.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2298 Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Lincoln at North Shore L. P. for the sale of Parcel 19 in the 23rd Ward of the City of Pittsburgh for $600,000. - Redevelopment Area No. 39 (residential construction).
—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2299 Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and William Square Associates for the sale of Parcel 67A in the 3rd Ward of the City of Pittsburgh for $9,450.00, Redevelopment Area No. 32 (office building construction).—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2300 Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Regional Industrial Development Corp. of Southwestern PA for the sale of Part of Parcel 1, Subdistrict 2 West, in the 4th Ward of the City of Pittsburgh for $200,000/acre - Redevelopment Area No. 50 (construction of office building).—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2301 Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Hill House Association for the sale of Parcel 66A in the 3rd Ward of the City of Pittsburgh for $10,000.00 - Redevelopment Area No. 32 (Parking Lot).—**(MS. McDONALD AND MR. HERTZBERG)**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO PRESENTED

No. 2302 Resolution providing for the transfer from General Fund Code Account 45, Health/Life Insurance - Municipal Employees, to General Fund Code Account 30, Refunds and Interest - All Other Taxes, the amount of $300,000 (Three Hundred Thousand Dollars).
Also,

No. 2303 Resolution amending Resolution 414, effective June 13, 1994,

entitled, "Providing the authorization to make all legitimate expenditures for wages and fringe benefits for supervisor/participant, Workers' Compensation, Unemployment Compensation, participant physicals, transportation, copier, supplies, related outreach and recruitment costs, and administrative expenditures necessary to implement the Safe Summer '94 and 1994 Pittsburgh Partnership/Summer Youth Employment Program; providing for the periodic transfer of funds to reimburse for expenditures and periodic payment of costs incurred in the Safe Summer '94 and 1994 Pittsburgh/Summer Youth Employment Program thereof," by increasing the total for City paid costs by $100,000.00 from $488,400.00 to $588,400.00. Total costs shall not exceed $679,000.00.

Also,

No. 2304 Resolution repealing resolutions approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Also,

No. 2305 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/NeighborFair Sideyard Program.

Also,

No. 2306 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2307 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales, in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2308 Resolution providing for a contract or contracts, or the use of existing contracts, for Street Lighting Transfers at various locations throughout the City of Pittsburgh at a cost not to exceed Fifteen Thousand ($15,000.00) Dollars, chargeable to and payable from Code Account, Street Lights Transfer, 3-01-10-0015-94.

Also,

No. 2309 Resolution providing for a contract or contracts, or the use of existing contracts, for materials, supplies and salaries in connection with the City Wide Resurfacing Program in CD eligible areas, at a cost not to exceed One Million Sixty Thousand ($1,060,000.00) Dollars, chargeable to and payable from Code Account, City Wide Resurfacing, 4-01-40-0001-95-530-95-01. This is retroactive to April 3, 1995.

Also,

No. 2310 Resolution granting unto NASA Robotics Engineering Consortium, 10 - 40th Street, Pittsburgh, Pennsylvania, 15201, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on a portion of the unopened right-of-way on 40th Street between Conrail right-of-way and the Allegheny River in the 9th Ward, 7th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2311 Resolution further amending Resolution No. 211, approved March 30, 1995, entitled: "Resolution providing for an agreement or agreements with various community organizations for operational, administrative expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $123,750.00, chargeable to and payable from C.A. 1103 (110304), Miscellaneous Services, Department of City Planning," by changing "Three-Five Community Advocates" to "Hill CDC, (Three-Five Community Advocates)".—**(SPONSORED BY COUNCILMAN SALA UDIN)**

Also,

No. 2312 Resolution amending Resolution No. 1029 of November 1, 1985, entitled, "Resolution providing for an agreement or agreements with a consultant or consultants to undertake a study of the existing condition of various components of the City's infrastructure stock, and the cost to repair these facilities. The study will involved, but not be limited to an analysis of specific walls, roads, swimming pools and police, fire and EMS stations that are in need of repair," by providing for the partial front funding of said project.

Which were read and referred to the Committee on Planning, Zoning and Land Use.

THE CHAIR PRESENTED

No. 2313 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, Regulations Applicable to All Districts, Chapter 993, Exceptions, Section 993.01, Use Exceptions, Subsection 993.01(a), Conditional Uses Permitted by Council Approval, Subsection C, Procedure, by adding new Subsections 993.01(a)C.(4), Public Hearing Before Council, and 993.01(a)C.(10), Recusal Required, and by amending current Subsection 993.01(a)C.(4), Action by Council.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

Also,

No. 2314 Communication from Stanley Lowe, Executive Director, Housing Authority of the City of Pittsburgh, submitting the names, positions and salaries of each employee of the Housing Authority as of June 30, 1995.

Also,

No. 2315 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of the re-appointment of Councilman Gene Ricciardi to the City of Pittsburgh's Water and Sewer Authority for a term to expire December 31, 1999.

Which were read.

The Chair:

The first bill is a proposed Zoning Code change regarding Conditional Use Process, it will come up next week, and I would ask my colleagues, pursuant to the Code, to refer the bill to the Planning Commission for a report and recommendation. Also, if you have time to look at it, if you have any suggestions or criticisms, I would like to hear from you, we could possibly even amend the bill before it goes over. I would like to have some input from all of my colleagues.

On the second bill regarding the communication from the Housing Authority, that is an annual report as required of authorities posting the job classifications, personnel and titles and salaries. I would like to ask for a motion to receive and file that report as required.

Mr. Udin:

So moved.

MR. RICCIARDI seconded the motion.

The Chair:

Moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

The third bill regarding Mr. Ricciardi's re-appointment to the Water and Sewer Authority, I would ask at this time that we have a motion to approve the re-appointment. We do have to vote on that.

Mr. Cohen:

So moved.

MR. ONORATO seconded the motion.

The Chair:

It has been moved and seconded. Any discussion? Hopefully not. All in favor of the re-appointment?

WHICH MOTION PREVAILED.

The Chair:

Were there comments or concerns? Mr. Cohen had a question on the Conditional Use.

Mr. Cohen:

I just information, Mr. President, on your bill dealing with the Planning Commission, is that
– and I know we will discuss it, but is that a reflection of that recent Commonwealth Court decision?

The Chair:

Actually it is a little broader than that. Partly it is a reflection regarding the Monroeville case, asking – codifying into

City Code what probably is strong case law now regarding Councilmembers being silent on major zoning issues involving Conditional Use because we sit in a quasi judicial form as opposed to legislative form. So, I am codifying into law that provision.

But, I also am establishing some due – what I feel is better due process proceeding for applicants as well as opponents of a Conditional Use Application, as opposed to a traditional public hearing format, where we sit in a Legislative Session.

I am proposing that the public hearing be conducted a little bit more like the Zoning Board, that individuals, whether they are for or against a Conditional Use, have their right to a formal public hearing, which is not the case right now. We can vote as we have in the past sometimes on a Conditional Use without an actual public hearing. I am proposing we change that. I am proposing that whether we are for or against, that parties have the ability to speak to Council. I am asking Councilmembers, including myself, to be quasi judicial, that we not actually formulate an opinion on a major issue until we have had time to actually enter into the record what the issues are regarding detrimental impact, if any.

So, it is establishing some due process rights and proceedings before Council regarding the Zoning Conditional Use Process, as well codifying into law some case law regarding Councilmembers.

I think you are familiar with the Monroeville case, where the Commonwealth Court threw out the Conditional Use approval because a particular Councilmember had expressed himself very early on in the community in opposition to a proposal, and I think clearly it would be the same thing as a judge speaking out of court in opposition or in favor of a verdict before he or she has the ability to actually hear the testimony.

So, that is probably what the intent of the bill is. I am sure there will be a lot of discussion. I have an accompanying memo explaining my rationale. I am sure there will be a lot of lively debate. I will send the notice out to community groups, as well as to developers and institutions to get their input. But, I think it is time to reform and make more fair the whole process regarding Conditional Use.

Mr. Onorato.

Mr. Onorato:

I just want to make a point. I want a clarification here, and that is, the silence requirement here, you are referring only in front of the Zoning Board, correct?

The Chair:

No, the actual – the law pretty clearly states at this point that Councilmembers, if they are to actually hear and vote on a Conditional Use Application must refrain from any indication of support or opposition to the proposed Conditional Use, that includes speaking at a Block Watch Meeting or appearing in a neighborhood function, in these Chambers, privately, what have you.

Mr. Onorato:

And what level of the court ruled?

The Chair:

Commonwealth Court.

Mr. Onorato:

Commonwealth. This has not been decided by the Supreme Court yet?

The Chair:

Well, I think we will ask for a legal opinion from the City Solicitor regarding our proposed bill and we will ask that the Solicitor shepherd those cases and provide a legal memo.

Mr. Onorato:

Yes, because I would think that there is a situation where it should be challenged in Supreme Court because I see a major conflict here, and that when we are out in our communities it is very difficult to switch that hat, and I believe that any one of us can wear two different hats at any given time, in one we are an advocate on one hand, and then we also sit as a judicial capacity. But, I think that Jim Ferlo, Dan Onorato, or whoever, as an individual, can speak on one hand, but at the same time, when it comes to our elected role, it is a different situation.

The Chair:

Well, we have a legal memo from my office, Mr. Girdany would like to present to my colleagues, regarding the issue, as well I would ask, even prior to the bill coming up, that we get a legal advisory memo from the Solicitor.

And, I think you have raised some good points. I have mixed emotions obviously. I think I certainly have a track record of being as vocal, both in favor and opposed to major zoning issues involving the Condition Use, and I feel somewhat hamstrung, but at the same time I think we must recognize that when we sit in a zoning case involving a Conditional Use, we do not have our legislative policy hat on, we do not have really our fiduciary City budget hat on, we really have a judicial hat on regarding the fairness and it is up to us to evaluate detrimental impact. The applicant, whether we are for or against it, ultimately should presume to have some fair or level playing field regarding the judicial body that it is before. And, so it is a little bit different. It is the only issue, it is the only instance in which we as a City Council have the ultimate and final say regarding a matter. As you know, a Conditional Use approval or rejection ends with this legislative judicial body, City Council, the Mayor himself has no authority to veto or to comment on a Conditional Use.

So, I am sure the bill is going to provoke a lot of lively debate and discussion. I am sure some in the neighborhood movement around the City may view this as hampering their ability. I do not think that is the case. I think, if anything, by establishing some due process ground rules, I think the public hearing process will be more fairer. I think both sides will have the ability to cross examine on factual matters when comments are made to Council, helping us to formulate our opinion, and I think it is going to be fairer actually for both sides,

whether it be major institutions, major developers or an adjoining property owner, who may be a resident with no legal counsel but wants the right before this Council to challenge some factual statement being made by an institution or a developer or an architect or an engineer.

I think we should side on the era of due process and the Democratic ability of individuals to articulate whatever concerns they have about proposed major expansions of an institution, the use, re-use of an old church for a major Senior Center, whatever the issue is. That is really the attempt of what the proposed zone change is. But, I am sure there is going to be a lot of discussion and debate.

Mr. Cohen. And, I didn't know we were going to get into it now or I would have brought my notes.

Mr. Cohen:

Rather than deepen that debate. Just explain, the procedural posture, does this have to go to the Planning Commission?

The Chair:

Yes. Any zoning change must go to the Planning Commission for a report and recommendation, as well the Mayor can actually veto or agree or disagree with my proposed zone change.

Mr. Cohen:

This bill has to be referred to the Planning Commission?

The Chair:

Yes.

Mr. Cohen:

So, we do have time to get the Solicitor's opinion.

The Chair:

We will have a formal public hearing on this bill, there will also be a public hearing before the Planning Commission, the Mayor himself can express his opposition or the support for this bill and act in a veto fashion. This is a change into the Zoning Code.

Councilman Onorato, we will let you have the final word.

Mr. Onorato:

In the spirit of your bill, Mr. President, I won't tell you how I feel about it right now, I will wait until it comes in front of Council.

The Chair:

Thank you, Mr. Onorato, for not prejudging my ordinance.

Other comments? We need a -- we did the approval, Mr. Ricciardi, on the board, we approved the report and recommendation, and the Conditional Use bill, we do not have to waive Rule 8, you can think about it, it will come up and we probably won't get to deal with this until the fall anyways, unless the high court, Mr. Onorato, dictates otherwise, which I think may be the case.

But, in any event, we are going to move to Unfinished Business, or Reports of Special Committees. Is there any matter to be brought before the body?

UNFINISHED BUSINESS

The Chair:

Mr. Onorato. I don't know how we could have missed the pasta party coming up, but –

Mr. Onorato:

I will explain. The reason this wasn't read during the beginning of the meeting was because I have an individual in my office who was out sick for two days and it was missed for the agenda, but we have representatives here from the Leukemia Society, and I do not think anyone here would mind if we read the proclamation.

At this time from the Leukemia Society I would like to call forward George Omiros, Executive Director, Rochele Zimmel, Program Coordinator, Jeannie Caliguiri, Major Gifts Director, and Larry Kuzmanko, Special Projects Director.

The Chair:

Even though I was not asked to cook my pasta at this party, and I saw many great restaurants on the list, it is going to be a fabulous event.

Mr. Onorato:

If President would like to set up a stand, I do not think we would stop him from cooking some pasta this Friday.

And, before I read the proclamation, Mr. President, you reminded me of something, of all the individuals, and I want to thank Jeannie Caliguiri for bringing it to my attention. We have to make sure that our Permit Department does not hound the vendors and requiring them to have special permits to operate. This is a fund-raiser. This is not a business venture. These particular restaurants are coming down to help raise money. So, if anyone is listening in the Permit Department, if you have my memo, please relax some of your requirements because this is not your typical business.

Stating that, I would like to read the proclamation:

MR. ONORATO PRESENTS

No. 2316 WHEREAS, on Friday, July 28th, 1995, the Leukemia Society of America will be sponsoring the Third Annual "A Taste of Pittsburgh's...Pasta" at the USX Tower Plaza on Grant Street; and,

WHEREAS, the proceeds from this event benefit the Leukemia Society's research and patient aid programs; and,

WHEREAS, the Leukemia Society has researchers around the world trying to find cure for leukemia and related diseases. The patient aid program helps patients cover the cost of drugs and transportation; and,

WHEREAS, this event began at the I.C. Light Tent in 1993, with 15

restaurants participating and 1000 attendees. The first event was held in the evening and raised $5000; and,

WHEREAS, the second year "A Taste of Pittsburgh's...Pasta" was moved to the USX Tower Plaza and was geared toward the lunchtime crowd. Nineteen restaurants participated and the event raised $8,000; and,

WHEREAS, the Third Annual "A Taste of Pittsburgh's...Pasta" will again be held at the USX Tower Plaza on July 28th. Twenty restaurants will participate and it is hoped that this year's event will top the last two in proceeds; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends all those involved in bringing about the Leukemia Society of America's Third Annual "A Taste of Pittsburgh's...Pasta" and wishes it great success'

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

And, at this time we are going to ask Mr. Omiros, the Executive Director to come forward, accept the proclamation and also say a few words.

Mr. Omiros:

On behalf of the Leukemia Society of America, we would like to thank Councilman Dan Onorato and the remaining Members of City Council for this proclamation. We encourage all of you to come this Friday to the pasta party for lunch, proceeds from the event will benefit the work of the Leukemia Society to find a cure for Leukemia and its related cancers of lymphoma, Hodgkin's Disease and multiple myeloma by the year 2000, and we thank you for your support. Thank you.

Mr. Onorato:

Thank you. At this time I would like to ask anyone else if they would like to say a few words. Councilman Cohen.

Mr. Cohen:

I just want to take a moment to commend all of you for this wonderful program and look forward to seeing you there, and it is just a pleasure to have Jeannie Caliguiri back in our City Council Chambers this morning.

Mr. Onorato:

Thank you.

Ms. Caliguiri:

Can we look forward to you being there?

Mr. Cohen:

I will be there, yes.

The Chair:

And, Larry, we need you back running the Marathon.

Mr. Cohen:

And, Larry Kuzmanko.

Mr. Onorato:

I expect all of my colleagues to be down there Friday for lunch. I am inviting you down, come on down for –

Mr. Cohen:

Are you paying?

Mr. Onorato:

Absolutely. I am paying, and if I have a problem with the money, I am sure Councilman Ferlo will help back me up with the bill. Thank you.

The Chair:

Thank you. Thank you and congratulations.

Are there any other matters under Unfinished Business or Reports of Special Committees? Hearing none, I would like to move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and the Budget.

MR. ONORATO PRESENTED
Bill No. 2317

Report of the Committee on Finance and Budget for July 19, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2241

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."—**(AS AMENDED)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)
AYES 8	NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2318

Report of the Committee on Public Works, Water and Environmental Services for July 19, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2253

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Seven, Business Licensing, Chapter 765, Commercial Hauling of Municipal Waste, by limiting the times of commercial waste pick-up in relation to proximity to residential area.—**(SPONSORED BY MR. COHEN AND MR. RICCIARDI)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Ricciardi.

Mr. Ricciardi:

Thank you. I believe this bill has the overwhelming support of a majority of Councilmembers, however, as a courtesy to a few we are still waiting for a response from Chambers and also a response from Fred Reginella of E & C. So, on that note, I would like to make a motion to recommit this bill.

The Chair:

There is a motion to recommit. Is there a second?

Mr. Cohen:

Second for discussion.

The Chair:

Discussion. Mr. Cohen.

Mr. Cohen:

Mr. President, I will go along with the recommittal if Members of Council do want to get some more information. This does not in any way mean that we are stepping back on the need to protect the residents of our City from late night refuse haulers. The more people that I talk to, and we have gotten a lot of calls in my office, the more I realize how important this bill is. And, I do want to just make a comment that Jerry Smooke from the Atrium in North Oakland is here today, and he provided me with a list of every – virtually every night since June 19th of this year and what time he has been awakened by refuse haulers, starting from June 19th at 2:30 in the morning, to the present day. So, I want to thank Mr. Smooke for being down here. He was really the reason why I started working on this bill, and I will go along with recommittal but I am very much in favor of having this bill passed.

The Chair:

Thank you. Other discussion? Councilwoman.

Ms. McDonald:

Yes. I have no problem with the bill. I am thankful that Mr. Ricciardi had suggested it be recommitted because I did want to get the information as far as how it would impact upon certain business districts that are, unfortunately, very close to residential neighborhoods, and my concern is the clogging of some – just some type of streets that carry a high volume of traffic that are arteries for business districts, smaller business districts. So, I look forward to that information.

The Chair:

Thank you. Other discussion? I am sure we will have a lot tomorrow as we did last week. I think there were specific concerns that were raised and hopefully can be addressed in the final wording of this resolution, but I think it is clear overwhelmingly we all support the need to act in some fashion.

All in favor of the recommittal?

WHICH MOTION PREVAILED.

The Chair:

The bill stands recommitted.

MR. UDIN PRESENTED

Bill No.

Report of the Committee on Planning, Zoning and Land Use for July 19, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1965

A Resolution entitled, "Resolution providing for the designation as an Historic Structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure known as the Centre Avenue YMCA, located at 2621 Centre Avenue, designated as Block and Lot Number 10-M-154, in the Fifth Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 2221

A Resolution entitled, "Resolution renewing Resolution No. 556, approved by City Council on August 3, 1994 and effective August 4, 1994, authorizing the National Council of Senior Citizens/USA Housing Development Corporation to construct a four-story structure with 42 units of housing for the elderly and 1 unit for a resident manager, on property located at 3710 Brighton Road, with parking to accommodate 13 automobiles, on property zoned "RP", Residential Planned Unit Development District, 27th Ward.— **(COUNCIL DISTRICT NO. 1)**"

Which was read.

Also,

Bill No. 2254

A Resolution entitled, "Resolution further amending Resolution No. 211 approved March 30, 1995, entitled: 'Resolution providing for an agreement or agreements

with various community organizations for operational-administrative expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $123,750.00, chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning,' by decreasing Beechview Merchants Association $1,500, ($3,400 to $1,900) and increasing Beechview Community Council by $1,500, ($2,800 to $4,300).—**(SPONSORED BY COUNCILMAN JOE CUSICK)"**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Cusick.

Mr. Cusick:

Mr. President, I would like to make a correction in regards to the Beechview Merchants Association.

The Chair:

What is the bill number, Mr. Cusick?

Mr. Cusick:

Bill 2254. Beechview Merchants Association is no longer in existence, the duties have been picked up by the Beechview Community Council, and the correction is that the entire $3400.00 be decreased from the Merchants Association and increase the Community Council to by $3400.00, and making it a total of $6200.00.

The Chair:

So, it just incorrectly stated the actual financial numbers?

Mr. Cusick:

Yes, sir.

The Chair:

Is there any objection to just correcting the bill? Mr. Cohen.

Mr. Cohen:

Yes. I was just going to make a motion to waive the rule that we have to have that in writing, if it is necessary.

The Chair:

Let's waive the rule then. I think it is really just a correction on the numbers.

Mr. Cohen:

Fine.

The Chair:

We will so note and ask that Mr. Cusick clarify that with the Clerk's staff on the correction of the number. Nothing really substantively is altered in the bill.

Other discussion on any other matter? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Ms. McDONALD PRESENTED

Bill No. 2320

Report of the Committee on Housing, Economic Development and Promotion for July 19, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2231

A Resolution entitled, "Resolution providing for an agreement or agreements with Pittsburgh Partnership for operating and/or administrative expenses of their agency involved in a variety of community/economic development activities, at a cost not to exceed $420,000.00, chargeable to and payable from the 1995 CDBG Program, "Department of City Planning"."

Which was read.

Also,

Bill No. 2232

A Resolution entitled, "Resolution providing for an agreement or agreements with Community-Based Organizations for community and economic development planning assistance in various neighborhoods I n the City and providing operating support for these groups in an amount not to exceed $600,000.00, chargeable to and payable from the 1995 CDBG Program, Department of City Planning, "Community-Based Organizations"."

Which was read.

Also,

Bill No. 2233

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block & Lot 174-K-174 under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 2234

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block and Lot Nos. 175-G-29A, 175-G-29B, 175-H-104 and 175-H-

105, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 2235

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and Rosedale Block Cluster, Inc., for the sale of Block and Lot Nos. 175-G-29A, 175-G-29B, 175-H-104 and 175-H-105 in the 13th Ward of the City of Pittsburgh, for $1.00 plus costs -- Residential Land Reserve Fund (parking/community garden)."

Which was read.

Also,

Bill No. 2236

A Resolution entitled, "Resolution authorizing URA of Pittsburgh to submit application for financial assistance in the amount of $5,000,000 to DCA for Housing Recovery Program, Neighborhood Housing Program, Community Development Investment Fund, Pittsburgh Housing Construction Fund, Golden Triangle Management, Urban Development Fund and Start-An-Enterprise Program."

Also,

Bill No. 2237

A Resolution entitled, "Resolution authorizing a 1995-1996 Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2238

A Resolution entitled, "Resolution authorizing filing of application for financial assistance in the amount of $1,000,000 with DCA for the North Side Tenants Reorganization, Inc., Glen Hazel Citizens Association, Hill Community Development Corporation, and Oakland Planning and Development Corporation Home Program Rehabilitation Projects."

Which was read.

Also,

Bill No. 2239

A Resolution entitled, "Resolution authorizing a 1995-1996 Cooperation Agreement with the URA of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs for State Home Program Funds."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, are there any matters to be brought before the body? Hearing none, I would like to ask for a motion to excuse the absent Member, a motion to approve the Minutes and a motion to adjourn.

MR. COHEN moved to excuse Mr. Hertzberg for absence from the Meeting.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. COHEN moved to approve the Minutes of Tuesday, July 11, 1995.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

And on the motion of **MR. COHEN**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *August 1, 1995* *No. 32*

Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, August 1, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order. I would like to welcome you all to Chambers this morning, including our guests.

At this time would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young lady here today that took time off from her summer vacation, Angela Zwitch, she is nine years old. Angela is going to lead us in the Pledge of Allegiance. She is going to be in the 5th Grade at Westside Traditional Academy. She resides in the community of Elliott, in Councilman Hertzberg's District, No. 2. She is the daughter of Florian. Her mom is here – excuse me. Florian and Janet. Janet is her mom. Florian, her dad, I know is President of the West End-Elliott Citizens Council and I know he is very active in the Crime Watch activity, and we want to thank them for their community efforts. And, Angela is going to lead us in the Pledge of Allegiance. Angela.

Angela Zwitch:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you all. Angela, our City Clerk would like to give you the flag of our City and the flag of our great nation, and thank you very much for coming down here today, and thank your mom and your dad Florian. Thank you.

PRESENTATIONS

The Chair:

We have a number of guests in the audience this morning. At this time I would like to call on Councilman Hertzberg.

Mr. Hertzberg:

Would Ned Gensler and Tom Jones please come forward. This resolution is about some rehabilitation work, award winning streetface rehabilitation work and we will be showing Council some photographs of it. It is in the West End of the City of Pittsburgh. And, I will read this resolution.

MR. HERTZBERG PRESENTS

No. 2321 WHEREAS, Caldwell's Windoware, located at 166 Wabash Avenue, in the West End Business District, 20th Ward of the City of Pittsburgh, has been operated as the Gensler Family business for the last 40 years; and,

WHEREAS, Ned Gensler, President of Caldwell's Windoware, recently completed a $90,000 historic facade renovation with assistance from the West End-Elliott Joint Project and the Urban Redevelopment Authority of Pittsburgh; and,

WHEREAS, it is the biggest undertaking ever by a single business in the URA's Streetface Program; and,

WHEREAS, the Pittsburgh Historic Review Commission has nominated Caldwell's as one of the ten best street face and preservation developments in the city; and,

WHEREAS, in a state-wide competition, The Pennsylvania Downtown Centers Association has presented Caldwell's Windoware the "OUTSTANDING ACHIEVEMENT AWARD" for physical improvement and design; and,

WHEREAS, the top award was presented to Ned Gensler and Tom Jones, Executive Director of the West End Elliott Joint Project, at a conference that was held at Penn State.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh congratulates Ned Gensler and Tom Jones for their great achievements in redesigning the Streetface of Caldwell's Windoware.

MR. HERTZBERG moved to adopt the resolution.

MR ONORATO seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Thank you. And, I would like to ask Mr. Jones to speak first and then Mr. Gensler also.

Mr. Jones:

President Ferlo.

The Chair:

Good morning.

Mr. Jones:

Councilmembers, it is a real pleasure for myself and Ned to be here today to accept this resolution. I want to say that the work that we have completed in the West End Business District would not had been possible without the support of Council and the City of Pittsburgh and its funding of community-based organizations and also the Urban Redevelopment Authority in providing the business incentive grants to go along with this.

I brought with me today to show Council the actual work that was done -- can I pass this around?

The Chair:

Absolutely.

Mr. Jones:

And, I also brought with me a publication of the Pennsylvania Downtown Centerpiece that just came out this week, and there is little article about us in that, and I would like to pass this out for Council as well.

It is one thing to hear of good work being done and it is other to see it being done and that is why we brought our visual photographs in today, so you can see the transformation that did take place. While we appreciate this opportunity, we do want to say that we still have the flood control project that we are working on and there will be a bus load of people leaving for Washington this week to lobby for the reinstitution of the 14 million dollars for the flood control project and we appreciate Council's support of this effort, too. Thank you.

The Chair:

Thank you so much.

Mr. Gensler:

Thank you. I do not want to take a lot of time, but the Gensler family, who we were born and raised in the West End and our business has been there since 1954, the work that we did was sort of like a labor of love and I am thrilled with the results of the way the building has turned out, and I am sure my father who has passed away, would be very proud of what we accomplished thanks to the URA and the contractor and the architect. So, thanks for the recognition, we appreciate it.

The Chair:

Thank you for your very much hard work. You did a heck of a job. Councilman, do you have another resolution?

Mr. Hertzberg:

Yes, I have two more. I think they are to be read into the record, unless Terrence Thomas and Christian Johnson, the two interns with Parks and Recreation are here. They are not. We will have them read into the record, please.

The Chair:

Well will have the City Clerk read those into the record.

MR. HERTZBERG PRESENTS

No. 2322 WHEREAS, Christian M. Johnson joined the Citiparks Office of Special Programs July 5, 1995, as a intern

for the Summer Youth Employment Program, intent upon contributing his skills and enthusiasm as a college student; and,

WHEREAS, Christian Johnson has worked diligently to evaluate and further develop the popular Leisure, Learning and Fun program, dedicating himself to quality work both in the office and as a representative of Citiparks in neighborhoods throughout the city; and,

WHEREAS, this young man has risen above all reasonable expectations as an intern, working consistently to provide the highest quality work in an effort to improve future programming and positively impact his city,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend this individual for his commitment to excellence and his contribution to the youth and communities of the City of Pittsburgh; and declares August 18, 1995 to be "Christian M. Johnson Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR ONORATO seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS

No. 2323 WHEREAS, Terrence Thomas joined the Citiparks Office of Special Programs July 5, 1995, as a intern for the Summer Youth Employment Program, intent upon contributing his skills and enthusiasm as a college student; and,

WHEREAS, Terrence Thomas had dedicated himself to producing quality documentation and evaluation of the Community Enrichment Program, researching and organizing records in a concise, detail-oriented way; and responding professionally to public inquiries; and,

WHEREAS, this young man has risen above all reasonable expectations as an intern, working consistently to provide the highest quality work in an effort to improve future programming and positively impact his city,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend this individual for his commitment to excellence and his contribution to the youth and communities of the City of Pittsburgh; and declares August 18, 1995 to be "Terrence M. Thomas Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

Would all members of the Golden Lancers please come forward. Tony. You don't want to? I'm going to mention your name any way though.

Now, so that you know where this is coming from, I was approached some time ago by Mr. Tony Campbell and we were in passing at the library for another event to talk about the Golden Lancers and the students and how they needed lodging, they needed money for uniforms, and I'm like, "What's he talking about," but after reading about the background of the Golden Lancers and understanding who they are and then having to see an article in the paper yesterday to show how committed they are to actually being one of the best bands around, it made me very proud to be able to give this resolution today, and of course, the article is "The Corps must go on" and then talks about the traffic accident that they had and how they lost some equipment and some uniforms. But, I am going to let Mr. Behrend talk about that, I am sure he has a plea that he would like to make publicly – I mean this is your time to make it. But, I am going to read the resolution at this time.

MS. McDONALD PRESENTS

No. 2324 WHEREAS, the Three Rivers Regatta will host a Summer Music Explosion on Sunday, August 6, 1995 at the University of Pittsburgh stadium featuring The Golden Lancers Drum and Bugle Corps; and,

WHEREAS, the Golden Lancers is an organization committed to building the character, self esteem, and discipline of its members; and,

WHEREAS, with violence and crime on the rise, it has never been more important to provide a positive outlet for our youth. The Golden Lancers give each and every member an opportunity to reach his or her potential; and,

WHEREAS, under Executive Director Ken Behrend, The Golden Lancers will appear at the Summer Music Explosion with such bands as The Second Marine Division Band of Camp LeJune, North Carolina, Cardinals from Scarbourgh, Ontario, and General Butler Vagabonds from Butler, Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh commends The Golden Lancers Drum and Bugle Corps. for their leadership role within the community; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh recognize Sunday, August 6, 1995 as The Golden Lancers Drum and Bugle Corps. Day in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR COHEN seconded the motion.

Which motion prevailed.

Ms. McDonald:

And, I would like for Mr. Behrend, who is the Executive Director, to accept this and maybe make some comments on what has happened and who are the Golden Lancers.

The Chair:

Good morning, Ken.

Mr. Behrend:

Mr. President, Members of Council, thank you very much for this honor and this recognition. The timing of it I guess is interesting from the respect, this past weekend, on Saturday, we were on our way to Hidden Valley to perform a concert and – excuse me. It is still very close to us – we were involved in a collision where three of our vehicles were smashed and 12 kids were hurt.

The Chair:

Ken, you take your time. We all heard about the accident, it was a tragedy, and we hope things are going to be for the best.

Mr. Behrend:

My apologies. This has been a very up and down summer for our organization. Two weeks ago we won the Midwest Regional Championships in the Drum and Bugle Corps Competitions and the kids were very excited because it was the first time we had ever even made finals and we won a regional championship. And, we were scheduled this Wednesday to be in Toronto for another regional championship, and the National Championships were in Buffalo, New York the following Monday.

This has set us back quite a bit actually. With the kids being injured, we have had to pull out of two competitions, and currently we have, with much appreciation to the Veteran's Administration, we are out at the V.A. Hospital this week, not as patients but they have an athletic facility there that we are staying and we are rehearsing there. They have a big softball field that we can use. And, we are keeping the kids together for the week, and as they are healing they are slowly coming back into the program. The young man that was life flighted to the hospital is pretty much back on his feet, though the doctor has said he has to stay resting for a week or so. He is going to try and get back to the organization, he does not know if he will be able to make it.

In the process we lost an equipment trailer, a van was totaled, and as well we lost some of our uniforms and equipment that went down in the collision. But we are going on any way. We have committed to go to Buffalo to represent Pittsburgh in the National Championships, where we do have a good opportunity to be a finalist for the first time and we did not want to hold that back from the kids.

Additionally, this Sunday, August 6th at 6 p.m., we are at the University of Pittsburgh Stadium. This is our major fund-raiser for the year. We are hosting a show. There will be eight drum and bugle corps from across the United States and Canada, and also the United States Marine Band will be there from Camp LeJune, North Carolina, as was previously mentioned.

Again, I want to thank you. I brought along, here is my wife Pamela, who is a co-founder of the organization. We founded it in 1991. And, our Drum Major Dan Mullen is here with our Midwest trophy, which we kind of had to patch back together again, and we left a few marks on it that we weren't planning to leave on it but we've made our mark, in that respect. But, this is a trophy that has

been -- it is a rotating trophy, that each year the winning organization gets to keep it and it is the 10th year of this trophy and we are very proud that we can bring that back as a representative of the City of Pittsburgh.

The organization is comprised of young men and women from throughout Western Pennsylvania. Myself I live in Shadyside, I am in Mr. Cohen's District. We draw kids from the City, there are some from the inner-city area also, as well as rural and urban, and that is part of the benefit of our organization, that we are able to have an amalgam, mixture of young men and women from throughout the different areas, they all get to realize they all love music and that they all can talk and relate together, and that is just a wonderful experience and we are very happy that we can offer that and provide that to the young men and women of our community.

Any way, I do have a couple flyers I will give to the Councilmembers, if they can be there Let us know, we'll get you some tickets. We would be glad to have you there, we'll recognize you. We are expecting a few thousand people and would love to see you there. Thank you again for this opportunity.

The Chair:

Thank you all for your hard work and dedication, we appreciate it very much. Councilman Cusick.

Mr. Cusick:

Would the Labor Day Parade Committee please come up.

ALL MEMBERS PRESENT

No. 2325 WHEREAS, the American Labor Movement began over two hundred years ago and has sought to improve the conditions for all working Americans; and,

WHEREAS, American labor leaders have, throughout history, dedicated themselves to this movement ; and,

WHEREAS, the first Labor Day observance took place over a century ago and was established as a legal public holiday in 1894; and,

WHEREAS, the United Labor Day Parade Committee intends to reinforce Pittsburgh's commitment to organized labor with a procession in the Golden Triangle under the theme, "America works best when we say . . . Union Yes!", marking the 108th Anniversary of Pittsburgh's first Labor Day Parade of 1887.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend Paul Stackhouse, President of the Allegheny County Labor Council, the United Labor Day Parade Committee, it's Chairmen Rich O'Malley and Tom Sweeney, and Advisor Patrick Landy, as well as all labor leaders and working American laborers, and urges the citizens of Pittsburgh to observe the United Labor Day Parade on September 4, 1995.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

I have with me today the President of the Allegheny County Labor Council, Paul Stackhouse, and we would like Paul to say a few words.

Mr. Stackhouse:

Thank you very much. Thank you. Again, thank you very much for the proclamation, and this is the 11th year, successful year, if I may say, that we have had the parades, and last year we paraded about 50,000 people, and through the efforts of the Councilpersons and also you, Brother President Ferlo, the help you have given us was very instrumental to making it a success, your department heads, your work with Pat and the committee, that permitted us to have the kind of coverage and the kind of niceties that you presented. We are very happy for that. And, again, we are here to stay , we're labor, we started here and we don't intend to quit. Nelson said we just began to fight and we've been fighting for a long time and we're going to stay.

May I -- indulge me while I present some of the others who are not mentioned. Jack Shay. Jack Shay is the Director of IUE, District 1, he is our Co-Director. David Glavin, Executive Vice President at, again, Labor Council in our Local 29, SEIU. Clarence Walls was our Committee Services Chairman, AFL-CIO. Larry Band is the President of the Beer Bottles Local 144, and Tom Sweeney is a business agent of the Beer Local 144. And, you know we are well supplied with Pittsburgh Brewery behind us for a Labor Day Parade.

Again, thank all of you, we appreciate very much what you have done for us, we hope you continue. Thank you again.

The Chair:

Thank you, Paul. Councilman Cohen.

Mr. Cohen:

I just wanted to take a moment to, first of all, thank Councilman Cusick for bringing up this resolution, but also to thank all of the organizers of the Labor Day Parade. I hate to think about Labor Day right now because it is only -- I like to think that we are only halfway through the summer, but I guess we are approaching Labor Day, and the unfortunate part, that means the summer is almost over, but the good part means that we will have a wonderful celebration to honor organized labor. And, I just want to thank all of you for putting together the parade, Mr. Stackhouse for leading the Labor Movement here in the Pittsburgh region, it is a great parade and we all look forward to it. Thank you.

The Chair:

Thank you.

Mr. Cusick:

I would just like to say, I am very proud to be up here and honoring the Labor Day Parade Committee and coming from a family of a long line of ironworkers

over the years and realizing since the struggles that laborers had over the years and it is just good to see that we are well and alive here in Pittsburgh. Thank you.

The Chair:

Thank you.

Mr. Cusick:

Mr. "Lefty" Roth please come up. I don't see him.

The Chair:

Is Mr. Roth in the audience? We would like to have the City Clerk read the proclamation into the record. Thank you, Councilman Cusick.

MR. CUSICK PRESENTS

No. 2326 WHEREAS, Otto "Lefty" Roth has dedicated the past fifteen years of his life coaching Brookline's American Legion team and,

WHEREAS, Lefty Roth was the founder of the Brookline Umpire's Association sixteen years ago which has assisted teenagers and young adults in becoming umpires and receive compensation for their efforts, and,

WHEREAS, Lefty Roth is an executive board member of the Brookline Little League, giving children of the Brookline community a positive athletic experience.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby honors and commends Otto "Lefty" Roth for his tireless efforts for the children of Brookline and the residents of the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, August 11, 1995 as Otto "Lefty" Roth day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato and Councilman Udin, I believe you have a joint proclamation.

Mr. Onorato:

At this time I would like to call a few people forward, Roger Reddish, Gary Moore, Jermand Morris, Michelle Bell, Tioni Brown, Travis Felton, Jessica Johnson, Alice Sheets, the Director of Continuing Education at Community College, Dr. David Griffin, the Executive Dean, Aaron Mickens, Director of Boys and Girls Clubs, and Captain William Ward, the United States Army. And, if you can all come up here and stand around with Councilman Udin and myself.

Colleagues I would like to read the proclamation but I want to make sure that we listen to the words here because this I think is one of the great groups or the great programs that have been put together over the last four years, and it is a way to deal with some of the problems, or just some of

the circumstances of the City, and I think these are the types of programs if we can expand on will really help all of us and help the young people in our City, and I think the proclamation explains most of it but we have some speakers here, too.

MR. ONORATO PRESENTS

No. 2327 WHEREAS, the CCAC Allegheny Campus Basic Training Program began four years ago and emphasizes the uniqueness of each Cadet and teaches them the skills to strive for individual excellence and to work as part of a team. It is a unique program that is a mix of Military Training, Academics, Life Skills and Physical Education; and,

WHEREAS, the Academic part of the program helps the students to strengthen their academic skills and offers a curriculum that challenges the students to exceed their initial expectations; and,

WHEREAS, the Life Skills section of this program stresses military courtesy, drug awareness, team building and communication skills as being necessary for the future success of the students; and,

WHEREAS, the Physical Fitness section of the program provides a physical training program, stressing stamina and endurance through a range of exercises; and,

WHEREAS, the students for this program come from a wide variety of backgrounds and are taught the skills necessary to become future leaders; and,

WHEREAS, the program was originally conceived by Dean Daniel Przyblek and has always had the support and encouragement of Dr. David Griffin, Executive Dean of Allegheny Campus. With their leadership and support, this program has excelled at working with youth and will help to address the problems that are plaguing local communities; and,

WHEREAS, Captain William Ward of the United States Army is responsible for the military aspect of the program and has worked with the students to develop a better self image and to help the students "BE THE BEST THAT YOU CAN BE."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends all those involved in the CCAC, Allegheny Campus Basic Training Program, and congratulates the Cadets who graduated on Friday, July 28, 1995.

SPONSORED BY COUNCILMAN DAN ONORATO AND COUNCILMAN SALA UDIN

MR. ONORATO moved to adopt the resolution.

MR UDIN seconded the motion.

Which motion prevailed.

The Chair:

At this time I am going to ask my colleague, Sala Udin, to say a few words, and then we have a speaker, which I think is going to be Dr. David Griffin. Is that correct? Councilman.

The Chair:

Councilman.

Mr. Udin:

Thank you. I just want to thank Councilman Onorato and also the Basic Training group at Community College for the important community work that is being done with young people, especially in the face of so many competitive and adversarial activity that they could otherwise be involved in.

I want to congratulate the young people who have been through the Basic Training course, I know it wasn't easy, but the kind of stuff that got you through this course is exactly the kind of stuff that we need for young people to have in order to exert leadership in our community, to turn other young people around in a more progressive direction.

So, keep up the discipline, keep up the training, keep up the value for hard work and our community will survive. Thank you very much.

The Chair:

Thank you, Councilman.

Mr. Onorato:

Dr. Griffin.

Dr. Griffin:

President Ferlo, Councilman Onorato and Udin, all of the Councilmen here today and friends, on behalf of the Community College of Allegheny, on behalf of the Boys and Girls Club of Western Pennsylvania, and the U. S. Army representatives that are here today, we are gratified by the recognition for this particular program. In keeping with the mission of the college, which is to provide an affordable and positive educational experience for all who live within our communities, we have enjoyed extending ourselves to the communities through this program. This program is here to inspire young people to learn, and inspiring them to learn, we teach them that they have the capabilities and the intelligence, what they have to cultivate is the application, the desire, the discipline and the perseverance to be successful. The second thing is that we try to teach them that they should be about the business of improving the quality of lives in their community, and you do that by working together with people for a common good and being good teammates and good partners and collaborating effectively is the way you do that and the results of this program epitomizes the goals and the outcomes that we aspire to achieve.

I would like to introduce to you Ms. Alice Sheets, and she is going to introduce to you the entourage of our folks that came with us today. Alice is the Director of Continuing Education and she is a driving force in this program.

Ms. Sheets:

This program is unique in not only what it does for the Cadets but what it does for the people who work with the Cadets, and it is also one of the only programs that is focusing on academics and on team building skills and on helping the student develop the potential that the student has. It has taken four years to get it to the point that we can assimilate students into this that people like to label at risk and these students, so far the only

risk they have really presented to us is being able to offer a curriculum that has been challenging enough for them. This year it was a collaborative effort, and I would like Aaron Mickens to say something, with the Boys and Girls Club. And, Captain William Ward, with the United States Army added a dimension to this program that all of the students achieved. We have brought some of the students with us. The total enrollment in the program was 54 Cadets, they were there for five weeks, and most people were very pleased, including the Cadets, with the change that they had developed in themselves over the five-week period. Aaron.

Mr. Mickens:

I just want to say, on behalf of the Boys and Girls Club, I want to thank City Council, and I think that this is purely a great tribute to our youth today, that these youth can survive something in a five-week manner and prove to themselves, prove to us that they can do it. Thank you.

The Chair:

Thank you. Captain Ward.

Capt. Ward:

I would just like to say, on behalf of the United States Army, it was our pleasure to be a partner in the community for this particular program and I am extremely proud of all of the Cadets that endured the five-week training period, it was rigorous, it instilled self-discipline, individual responsibility and we did not slack up on any standard. And, I would like to just say to all of the Cadets, I am proud of you, the soldiers that came out from my unit are proud of you and I am sure that the City of Pittsburgh, by virtue of having this ceremony, and they are proud of you, too. Thank you.

The Chair:

Thank you, Captain.

Mr. Onorato:

Thank you. And, I understand we have one individual that is going to speak on behalf of the participants. Please. And, I am sorry, your name for everyone.

Michelle Bell:

My name is Michelle Bell. I would like to say, the Basic Training program was good and we do learn self-discipline, help me work on my attitude and how to work with others. Thank you.

The Chair:

Captain, we may need you for our teen curfew center. We may get you involved in that.

Councilwoman McDonald.

Ms. McDonald:

While they are getting their photos. I am aware of this program, as my children have attended day camp at Community College of Allegheny County, and during the end of the day camp season, so to speak, there was a picnic, and during that picnic I had a chance while I with my son to watch the Cadets, and this was about two years ago, and I was very impressed with the discipline, I couldn't believe they

were kids. So, I am reading the brochure. I believe it is 15 to 19 years old?

Ms. Sheets:

Right now it is nine to 16.

Ms. McDonald:

Nine to 16. You lowered the age then? Because when I was there it was 15, and I was waiting for my daughter, she had to get to 15. I told her, I said, Sheil, you see them, that's going to be you next year.

But, I just wish that more people would learn about this program because one day I would hope to see a whole, whole bunch of students. They looked really good. So, again, I hope that your program expands and I hope there will be more interest and more enrollment in this program, it is a good one and I know. Thank you.

Mr. Onorato:

Thank you.

The Chair:

Thank you, Councilwoman. Thank you all. Appreciate your hard work.

I believe that concludes our proclamations. Do any of my colleagues have any other matter to be introduced under proclamations? If not, we will move to Presentation of Papers. Calling on Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

Mr. President.

The Chair:

Thank you.

MR. COHEN PRESENTED

No. 2328 Resolution providing for the issuance of a warrant in favor of Treasurer, City of Pittsburgh, in the amount of Forty Thousand Dollars ($40,000.00), for the purpose of establishing an Imprest Fund for the Bureau of Police, Department of Public Safety.—**(MR. COHEN AND MR. ONORATO)**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2329 Resolution providing for the rental of one (1) charter bus for residents of the City of Pittsburgh to travel to Washington, D. C., on August 3, 1995, to lobby the President and congress to restore federal funding for the Saw Mill Run and West End Flood Control Project, at a cost not to exceed $1,000.00, payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, City Council.—**(MR. COHEN AND MR. HERTZBERG)**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

Also,

No. 2330 Resolution authorizing and directing the City Controller to create

a special trust fund to be designated as the Federal Task Force Trust Fund (FTFTF) for the deposit of monies from various sources, including grants, for the operation of the Weed and Seed Federal Task Force Program and authorizing the use of monies deposited into said trust fund to cover any and all eligible expenses for the development and operation of the Federal Task Force Program.

Which was read and referred to the Committee on Public Safety Services.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED

No. 2331 Resolution authorizing the Director of Parks and Recreation to grant temporary City residency requirement waivers for Pools Division Employees, in accordance with the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 181, General Provisions, Section 181.02, Residency Required; Exceptions.--**(MR. HERTZBERG AND MR. ONORATO)**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2332 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of URA as the City's agent for acquisition of certain property owned by the Sheraden Youth Center Committee.--**(SPONSORED BY MR. HERTZBERG)--(MR. HERTZBERG AND MS. McDONALD)**

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTED

No. 2333 Resolution providing for the use of new and/or existing agreement(s) and/or contract(s) for energy management services, at a cost not to exceed $150,000.00, chargeable to and payable from General Service Code Account 1128, Miscellaneous Services.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

Also,

No. 2334 Resolution transferring the sum of One Hundred Thousand Dollars ($100,000) from Code Account 1126, Salaries and Wages, Regular and

Temporary Employees, General Services, to Code Account 1128, Miscellaneous Services, General Services, and transferring the sum of Fifty Thousand Dollars ($50,000) from Code Account 1133, Salaries, Regular Employees, General Services, to Code Account 1128, Miscellaneous Services, General Services.—**(MR. O'CONNOR AND MR. ONORATO)**

Which was read and referred to the Committee on Finance and Budget.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.
MR. COHEN seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2335 Resolution providing for the issuance of a warrant in the sum of $2,808.00 to David J. Levenson, M.D. in settlement of claim for sidewalk damage due to City tree roots.

Also,

No. 2336 Resolution providing for the transfer from General Fund Code Account 200, Municipal Obligation Non-City Water Agencies, to General Fund Code Account 44-1, Unemployment Compensation Fund, the amount of Three Hundred Thousand Dollars ($300,000.00).

Also,

No. 2337 Resolution amending Resolution No. 415 of 1995, for the City of Pittsburgh, Department of Finance, to make severance and monthly payments to eligible City of Pittsburgh employees who elect to participate in the Early Retirement Incentive Program on July 1, 1995.

Also,

No. 2338 An Ordinance amending and supplementing the Pittsburgh Code, Title, Two, "Fiscal", Article IX, "Property Taxes", Chapter 263, "Real; Property Tax and Exemptions", Section 263.20, "Definitions", Subsection (e), "Eligible Taxpayer", by expanding the class of taxpayers eligible to participate in the Property Tax Relief Program so as to include certain widows, widowers and permanently disabled persons, and by clarifying the age requirements for applicants.

Which were severally read and referred to the Committee on Finance and Budget.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.
Which motion prevailed.

THE CHAIR PRESENTED

No. 2339 Communication from Tom Flaherty, City Controller, submitting the Fiscal Audit of the Bureau of Building Inspection, Department of Public Safety, dated March 14, 1995.

Also,

No. 2340 Communication from Mulugetta Birru, Executive Director, Urban Redevelopment Authority, submitting the "Position and Salary Report" consisting of names, positions and salaries of all full-time, temporary and part-time employees of said Authority as of June 30, 1995.

Which were read.

The Chair:

We need a motion to receive and file on these two communications.

Mr. Hertzberg:

So moved.

MR. UDIN seconded the motion.

The Chair:

Moved and seconded. All in favor^

WHICH MOTION PREVAILED.

The Chair:

That concludes our Presentation of Papers. Under Unfinished Business and Reports of Committees, are there any matters to be brought before the body? Hearing none, we will move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and the Budget. Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato. We had an unfinished matter regarding one of the bills, correction on the language, and I believe you have a motion to make an amendment.

Mr. Onorato:

Would you like to do it now, Mr. President.

The Chair:

Well, why don't you read the bills, and I think we only have one bill.

MR. ONORATO PRESENTED

Bill No. 2341

Report of the Committee on Finance and Budget for July 26, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2258

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $100,000 to Michael W. Ealing, c/o Allan M. Cox, Esquire, his attorney, 304 Pitt Building, 213

Smithfield, Pittsburgh, PA 15222, in full and final settlement of an accident that occurred at the train track crossing at Boundary Street allegedly resulting from a train colliding with a vehicle on the tracks on or about October 10, 1992."

Which was read.

Also,

Bill No. 2259

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $22,672.95 to W. Timothy Barry, Esquire, Barry, Fasulo & Hough, 32nd Floor, Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219-1913, in full and final settlement of attorney fees that were accumulated during the representation of Commander James N. Dickerson and the result of the Civil Action brought against him by Carmen L. Robinson to No. CA94-1378."

Which was read.

Also,

Bill No. 2260

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $1,750.00 to Donna & Barry Laurnavich, c/o James J. Lestitian, Esquire, 3rd Floor, Grant Building, Pittsburgh PA 15219, their attorney, in full and final settlement of an accident that occurred at the intersection of Smithfield Street and Oliver Avenue in Downtown Pittsburgh allegedly resulting from a dangerous and defective temporary handicap ramp on about July 31, 1992."
Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Onorato.

Mr. Onorato:

On Bill 2259, we have an amendment by substitution, it is in front of everyone, and all that this does, at the request of the Council President Ferlo at the last Committee Meeting, I will change the wording from reading "full and final settlement" to "counsel fees to date", and the entire bill has been amended by substitution. There is a motion to amend.

The Chair:

The motion has been made. Is there a second?

Mr. Ricciardi:

Discussion.

The Chair:

Discussion on the amendment.

Mr. Ricciardi:

Thank you. And, Mr. Onorato, I want to make sure I have the proper amendment before me. The change in wording would not be "full and final settlement", it is going to be "payment to date"?

Mr. Onorato:

"Counsel fees to date", yes.

Mr. Ricciardi:

I have some disagreement, colleagues, with the Law Department. I do not see a conflict of interest if this Commander, who has retired, is represented by our Legal Department people on staff. I am going to be voting no on the amendment. I realize that we do owe this amount of money, $23,000.00 to the attorney, but I was in support of the initial legislation, where it said, "full and final payment", and that is all I am willing to pay, the $23,000.00 that has been expended so far. And, I just believe that when the incident, or the alleged incidents occurred, this gentleman was a City employee and he should be represented by City attorneys. I do not believe in spending this money on outside attorneys for this type of case.

So, I am going to be respectfully voting no on the amendment, and I will vote yes on the original legislation, however.

The Chair:

Further discussion? Presumably, following your thoughts, one would vote no on the second invoice that would actually come in for warrant. The implication of the Committee Session is that further legal work possibly will be engaged if it proceeds to trial. At that point, I think you are indicating to the Administration, you will not vote on a warrant for further additional legal services.

Mr. Ricciardi:

I just do not see the conflict of interest that our Law Department and separate -- our Law Department could represent Chief Buford and others and Commander Dickerson at the same time.

The Chair:

I would strongly suggest, notwithstanding Mr. Onorato's amendment, because of the nature of this particular case, including some of the questions that I implied at the table, as well as Mr. Ricciardi's point, further questioning additional legal services, there were a number of issues that the Solicitor conveyed to us regarding our legal obligations to have legal representation. Mr. Ricciardi is now raising a point that I do not believe you necessarily raised Wednesday and that is whether or not legal services could be provided in-house as opposed to outside legal services. I would strongly suggest that we recommit the bill for an Executive Session regarding the whole issue rather than have a disagreement later on if it gets to be a dispute about the full and final payment for the legal services. But, I think it is difficult to discuss the nature of this case and what legal strategy and how far litigation is going to proceed.

Councilman Onorato.

Mr. Onorato:

Yes. I want to make it clear for everyone listening here, is that, I put the amendment forward as a courtesy because it was presented to me. This is not my amendment. So, at this point I am going to withdraw the amendment if we are

going to recommit, so we can discuss the original bill tomorrow.

MR. HERTZBERG seconded the motion.

The Chair:

Is there any objection on the recommittal? Then the motion is withdrawn to amend, and the motion now is to make a motion to recommit. Any discussion?

All in favor of the recommittal of the bill?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. Discussion on other matters? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

The Chair:

And, Bill 2259 is recommitted.

Also,

Bill No. 2261

A Resolution entitled, "Resolution transferring the sum of Fifteen Thousand Dollars ($15,000) from Code Account 1017, Miscellaneous Services, Mayor's Office, to Code Account 1017-1, Education and Training, Mayor's Office and transferring the sum of Ten Thousand Four Hundred Thirty-One Dollars ($10,431) from Code Account 1017, Miscellaneous Services, Mayor's Office, to Code Account 1001-2, Salaries and Wages, City Council."

Which was read.

Also,

Bill No. 2262

A Resolution entitled, "Resolution transferring the sum of $5,000.00 from Code Account 1023, Miscellaneous Services, to Code Account 1022-1, Premium Pay, Magistrate's Court."

Which was read.

Also,

Bill No. 2263

A Resolution entitled, "Resolution transferring the sum of One Million Seven Hundred Thousand Dollars ($1,700,000.00) from Code Account 45-9, Workers' Compensation Indemnity, to

Code Account 46-9, Workers' Compensation Disability."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2264

A Resolution entitled, "Resolution providing for the transfer of $100,000.00 from Code Account 1545, Street Lighting Contract, Department of Public Works, to Code Account 1075, Miscellaneous Services, Department of Law."—**(AS AMENDED)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I just want to clarify my vote on Bill No. 2264. This is the expenditure of $100,000.00 in transfer monies from the Lighting Contract, or Public Works to the Law Department. My problem is, in the suggested $25,000.00 proportion of that, where I believe Thorp, Reed is to be hired, my objection is pure and simple. I believe it is a case of administrative consultantitis, and that is the unusual desire to keep going to outside consultants to achieve and complete some tests. I do not know that we need to hire a law firm at 25,000 to help define in the stipulations that need to be formed in a contract with the outside computer vendor regarding future software and hardware that the City will purchase and engage in the future. That is not to say that it is a new area of law, that is not to say that there may be some things that should be worded in the contract differently than other procurement contracts in the past, but I have a lot of faith in Director Miskovich in the General Services Department, who is a seasoned attorney besides being the Director responsible for contracts and procurement. I think there is a lot of expertise in-house in the Law Department regarding contract law. I will offer my own attorney, Mr. Girdany, who is experienced with contract law, as well as I am sure the three colleagues before me at the table, who all have varying experiences in contract law. I just have a problem with a $25,000.00 consultantitis, I would rather spend it on helmets for kids or something else. So, I

just wanted to clarify my vote and why I again will vote no on Bill 2264.

Mr. O'Connor.

Mr. O'Connor:

Can I ask you a question, Jim?

The Chair:

Councilman.

Mr. O'Connor:

I missed last weeks meeting, and you bring up this $100,000.00 – for the lawyer –

The Chair:

There is a bill up 2264, which takes various Code Accounts to put it in to the Law Department for various consultants that would be hired, one specific consultant will be Thorp, Reed, a law firm Downtown, who will assist the Administration in defining the contract stipulations for the software, which is multi-million dollar contract, I just question whether or not we need to
--

Mr. O'Connor:

Well, I question all consultants. I was not here for the post.

The Chair:

Well, you can abstain or vote no.

Mr. O'Connor:

I will abstain on that vote.

The Chair:

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

(MR. O'CONNOR ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2265

A Resolution entitled, "Resolution providing that the City of Pittsburgh enter into a professional services contract or contracts with Pennsylvania Economy League, Inc., for the purpose of various consulting and advisory services. The cost is not to exceed Fifty Thousand Dollars ($50,000.00), chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2287

A Resolution entitled, "Resolution authorizing and directing the City Solicitor to file a formal complaint with the PUC concerning the adverse effect on services to City residents from closure of the Banksville service facility.— **(SPONSORED BY MR. CUSICK AND MR. FERLO)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

On Bill 2287 there wasn't any discussion, that much, at the Committee Session, but I would strongly urge, notwithstanding the fact that a number of our State Senators, and I applaud their initiative regarding the Banksville facility, they raised a number of issues regarding Duquesne Light Company and service outages. Our specific request is to file a formal complaint to the PUC to try to further explore through public hearing process by the PUC here in the region what the actual impact is and whether or not there is a direct relationship and potential harm in closing the Banksville facility. I still very much favor that and I want to call attention to 2287.

Councilman Udin.

Mr. Udin:

I have a difficult time with calling for a PUC investigation prior to our having exhausted our own means of inquiry and investigation. There are very conflicting statistics and implications coming from a variety of different sources, and I wish that we had a way of resolving the questions internally prior to referring to a PUC hearing, and therefore, I will be asking, one, that my comments be brought forward from the Standing Committee on this matter, and I will be voting no against this bill.

(REMARKS - SEE ADDENDUM)

The Chair:

I appreciate your comment and concern. I do want to point out that the Public Utility Commission, if they would agree and concede to our request for a review, we should not presume that they are prejudging the facts in the case. It is that formal process that we are attempting to get to. It is very difficult for City Council because we have no direct regulatory control, we have direct way in which to solicit response, whether it be from the union or the workers affected, whether it be from the community or whether it be from the Duquesne Light officials. Inherent in this resolution is not necessarily the presumption that the PUC will presume there to be adverse impact regarding the Banksville facility.

So, I do want to just draw that distinction to my colleague, Mr. Udin, and ask for his consideration in support of the resolution.

Other discussion? Councilman Hertzberg.

Mr. Hertzberg:

Thank you. On this Bill No. 2287, regarding Duquesne Light, that is in Councilman Cusick's District but it also borders on Council District 2, and I am going to be voting very much in favor of this.

I have followed what both sides to the dispute are saying, Duquesne Light saying, we can save some costs here, and it is not going to affect our efficiency and our ability to respond, but on the other hand, the employees and labor and also our own Public Safety personnel having concerns about it. I mean I think this needs to get to somebody to look at everything, a tribunal like the PUC and I hope they act promptly and make a thorough investigation and figure out what is best here, and who is right and who is wrong and if it is in the best interest of the City and the community they are not to have this place shut down, I hope they will find that way and not let it happen.

The Chair:

Thank you, Councilman. Mr. Cusick.

Mr. Cusick:

Thank you, Mr. Ferlo. I think that --

The Chair:

In regards to what bill? Which bill are you speaking on?

Mr. Cusick:

I am speaking on the Duquesne Light Resolution.

The Chair:

2287.

Mr. Cusick:

And, first of all, I do not see how anyone could say that the closing of this facility does not adversely affect the City of Pittsburgh and the rate payers of Duquesne Light. You are talking about taking it out of the City and sticking it way out in McKeesport, or any other municipality, it has to adversely affect the

community, and the rate payers deserve to have some type of investigation or review of why this is being moved, I think it is the right thing to do. Council, or myself, and you, Mr. Ferlo, have told what we saw, our side of the story, Duquesne Light has told their side of the story, the union has told its side of the story, there has been a lot of different stories, and I think this PUC can get to the bottom of it and hopefully retain the Duquesne Light facility in the Banksville area. I have had a lot of phone calls in regards to this, people want to see it stay in the area, they want to make sure that if there is a problem, whether it be on a storm, or in a fire, that Duquesne Light can come to the home and service it as quickly as possible.

The Chair:

Well, just to be fair to my colleague, Mr. Udin, I think his suggestion is that, unlike others who have come before this body, there has not necessarily been a preponderance of evidence regarding the adverse impact. I differ with Mr. Udin a little bit on that point, and having argued, at least in the last 15 years on at least four different rate cases before the Public Utility Commission regarding Duquesne Light and other utility companies, I would suggest that this is really the only plausible avenue we have for the PUC in an impartial fashion to actually extract formal information and specific information from the company regarding what the impact will be, and that short of that formal PUC regulatory process, we do not really have the ability as a legislative body, and that is why I would ask my colleague, Mr. Udin, to reconsider in support of the resolution.

Having said that, other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Ms. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES 1

(MR. UDIN VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2196

A Resolution entitled, "Resolution providing for an agreement or agreements with the County of Allegheny to provide outgoing mailing services for the City of Pittsburgh, at a total cost not to exceed $615,000, chargeable to and payable from Code Account No. 51, Departmental Postage, Department of Finance."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Councilman Onorato, you have a point of order?

Mr. Onorato:

Yes, just a point of order for the people listening, too, just so you understand how it works here. The bill that was recommitted, I want to make clear was an Administration bill, it just came through my committee, because I know you said the bill that I -- my bill, that I requested recommittal. I just wanted to clarify that point.

The Chair:

Absolutely. Any other point of clarification there? Thank you.

MR. RICCIARDI PRESENTED

Bill No. 2342

Report of the Committee on Public Works, Water and Environmental Services for July 26, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2266

A Resolution entitled, "Resolution amending Resolution No. 248, approved April 11, 1995, effective April 12, 1995, entitled, 'Granting unto Ernest Stern and Family, Fulton Building, 101 Sixth Street, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sign marquee over a portion of the right-of-way along Sixth Street in the 2nd Ward, 6th Council District of the City of Pittsburgh,' by amending Section 1."
Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I would like to just comment. On Bill 2266, this is an encroachment for the Fulton Building. I do not want to get into the specific owners. My reservation with

this bill is, the particular individuals owe some $350,000.00 in back taxes, and I have a little bit of a problem providing them an opportunity, whether it be an encroachment, an easement, a vacation, whatever courtesy would be extended from City Hall, unless there is a resolution to outstanding taxes. I am not picking on these individuals, I am sure other business interests owe taxes to the City, but I do think that there should be a resolution or at least some light at the end of the tunnel regarding peoples' obligation to pay taxes.

Mr. Onorato:

What bill is that, Mr. President.

The Chair:

This is Bill 2266, regarding encroachment for a marquee for the Fulton Building commercial property owner.

So, I am voting no on that and I am voting no because of the reasons that I stated, not because I do not want to see them have an encroachment, but I do think the Administration should research these issues before one department gives an accommodation when another department is out struggling to collect taxes. It seems a little bit contradictory to me.

But, Councilman Onorato.

Mr. Onorato:

Mr. President, I have to take your word on this. I assume that you have checked this recently and they still owe taxes?

The Chair:

Well, on the specific building, which is the Fulton Building, there is some 98,000 outstanding City Taxes and 34,000 in School Taxes. Specifically on that building there is supposedly a payment plan, with the final payment must be made by August 15th, if not it will go to the Treasurer's Sale. That is basically the way most individuals operate. There is another 146,000 on other properties by these individuals, and another 63,000 to the School Board owed on other properties. I just think – I would like to see a package deal here where there is some resolution. I am not saying there should not be a payment plan but I think there should be something worked out before we give them a commendation.

Mr. Onorato:

Well, Mr. President, I do not recall those numbers last week –

The Chair:

No, this is – I specifically ask for -- I did not want to say things publicly at the table –

Mr. Onorato:

Well, you should because that changes my vote today.

The Chair:

Well, I did not want to say it there at the Committee Meeting because I did not know the facts. I have the information from the Finance Department today and that is why I am formulating my opinion.

Mr. Onorato:

Well, I would ask that we have a motion to recommit or I am going to vote no also, only because I have been very strongly against any individual that is continuing to invest and make money in the City when they are not paying their fair share. As you recall, this Council passed a piece of legislation I sponsored at least two years ago, where we do not sell City-owned property any more to any individual who currently owes us taxes. We stop giving away property to these people that are constantly making a fortune. I do not know the situation of these individuals or these owners, but if they are on a payment plan that they are missing, you are right, we should not be giving breaks until we have some kind of commitment that they are going to be paid at all.

The Chair:

I just want a fair-handed policy. If we are out there making everybody else pay their taxes, whether it is back water bills, which are services rendered, or whether it be actually Property Taxes, I just want to see some consistency. If other people have to go to the bank and get a loan or use their credit card to pay the taxes, then other individuals, whether they be larger commercial interests or what have you.

Mr. Onorato:

Mr. President, I agree, and I think the fair-handed policy is, no breaks, for anyone that owes, especially if they are on a payment plan and they violate the payment plan.

So, I will be voting no or –

The Chair:

Well, I would like to suggest, if the body is willing, for a recommittal on 2266 to give my other colleagues time to discuss it with the Finance Department and see whether or not you want to have that opinion also.

Mr. Onorato:

Motion to recommit.

MR HERTZBERG seconded the motion.

The Chair:

Second on a recommittal. Mr. Hertzberg.

Mr. Hertzberg:

Discussion. Just that, I read this as an amendment. Bill No. 2266 –

The Chair:

Yes, what happened is, I did not raise this initially because I did not know the information initially. So, actually when the bill came back a second time, I got my shot at it by raising the question.

Mr. Hertzberg:

Well, I would like to have some discussion on it, too, because the amendment that is in front of me takes it out of the name of the Ernest Stern and Family and changes it to the Pittsburgh Trust for Cultural Resources. So, we can get some more information on that tomorrow.

The Chair:

Yes. Which is another reason why I am confused, because usually when you have a property sale transaction, usually taxes end up getting paid off. So, I am a little bit perplex why that is not happening in this case, or whether or not it is happening, I do not know. So, that is another reason why I want to recommit it.

Councilman O'Connor.

Mr. O'Connor:

Are you saying -- this may be the lessee?

The Chair:

What happened is, a few weeks ago we gave an initial approval and final vote to this encroachment. There must have been some kind of property transfer or proposed transaction and as a result this bill needed to come back to change the actual ownership, and what I am confused about is why weren't the taxes paid in full if there was a property transaction. Usually when you end up -- I will defer to my Real Estate attorneys in front of me here, but usually when there is a sale of some sort, the property outstanding taxes are usually resolved, as well as the liens.

Mr. O'Connor:

Who is the marquee going to benefit, a small business person or the landlord, who may be --

The Chair:

I presume it would help the tenant, which whether it be the Cultural Trust, or the Filmmakers, or whoever happens to be the tenant, but I would just like a clarification regarding the tax issue and whether or not if there is a legal transaction with a new property owner, why isn't it the case that the taxes are not being paid off. I am a little bit. Unless I am mistaken, most --

Mr. O'Connor:

Let's recommit so we know tomorrow then.

The Chair:

Other discussion on the recommittal for 2266? All in favor of the recommittal?

WHICH MOTION PREVAILED.

The Chair:

Bill 2266 is recommitted.

Also,

Bill No. 2267

A Resolution entitled, "Resolution granting unto Tillie Janicki, 1415 Sheffield Street, Pittsburgh, Pennsylvania, 15233, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a small deck with steps and the installation of a wheelchair lift on a portion of the right-of-way of Sheffield Street in the 21st Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2268

A Resolution entitled, "Resolution granting unto the Historic Society of Western Pennsylvania, 4338 Bigelow Boulevard, Pittsburgh, Pennsylvania, 15213, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a canopy with banner frames and flag pole, electrical vault, three (3) stone benches, two (2) trash cans and existing building billboard on a portion of the right-of-way at 1225 Smallman Street in the 2nd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2270

A Resolution entitled, "Resolution vacating Scoville Street from River Avenue to General Robinson Street, Mendota Street from River Avenue to General Robinson Street, Grantham Street from River Avenue to General Robinson, River Avenue from Anderson Street to General Robinson Street, General Robinson, Phelps between Scoville Street and Mendota Street to its easterly terminus and Bronco Way between River Avenue and General Robinson Street East in the 23rd Ward, 1st Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2253

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Seven, Business Licensing, Chapter 765, Commercial Hauling of Municipal Waste, by limiting the times of commercial waste pick-up in relation to proximity to residential area.—**(SPONSORED BY MR. COHEN AND MR. RICCIARDI)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Hertzberg:

Mr. President.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Relative to Bill No. 2253, regarding the amendment on waste hauling in residential districts during the early morning hours. We have – since I last was involved in a discussion on this bill received some communications from some people in the waste hauling industry, specifically a letter that was addressed to you, Mr. President, from Chambers requesting a public hearing, and my view is to honor that request for a public hearing. I think to not get all sides and all views on this and to try to work something out that will accommodate both the business interest and the residential interest, I think we would be making a great mistake to rush in and just amend this particular provision. I think we owe both the residence and the people in the business the opportunity to express their views in a public hearing, and I am going to be making a motion to hold -- this will be a motion to recommit.

The Chair:

There is a motion on the floor to recommit. Is there a second for purposes of discussion?

MR. COHEN seconded the motion.

The Chair:

Seconded for purposes of discussion.

Just to clarify. I am sure other colleagues received calls. I received a call and communication both from BFI and Chambers, obviously they have concerns about the bill, but their specific request was to have at least some additional dialogue and input with this legislative body before the final adoption of whatever the bill is. I think they understand the concern and I think they understand why Council is moving quickly to enact some specific restrictions. I think their concern rested with the ability to raise some traffic and scheduling concerns. I know they heard my reservation over a week ago regarding that issue and as well as some of my other colleagues. So, I want to be clear about what my calls are, I am sure they called other colleagues, too.

So, there is a motion on the floor specifically regarding the recommittal, which if the bill passes, the bill would be recommitted, whether or not Council votes to have a public hearing is a separate issue. I think it is appropriate at this time to go to the sponsors of the bill, Mr. Cohen and then Mr. Ricciardi.

Mr. Cohen:

Thank you, Mr. President, I appreciate you going to the sponsors of the bill. Since Councilmembers who want a public hearing did not come to me to tell me about this. But, let me explain something very clearly, and that is, Council did not move quickly on this bill, and I would like to, I did think I would have to, but I guess I do have to, give the

chronology of this bill. We have received many complaints in my office about trash haulers who were picking up garbage very, very late at night and early in the morning, and I read last week from the diary of the folks who are at the Atrium Apartment House in North Oakland, where from June 19th on they have been awakened at 2:30 in morning on June 19th, at 5:30 that same night, on June 21st at 5:11, June 23rd at 3 o'clock and 5:28 in the morning. These are just examples. Since then I have heard from a great number of residents all over the City of Pittsburgh who have had this problem, from the North Side, from Lawrenceville, from the South Side. Just yesterday I received a petition from 22 residents in Beechview who said how they had been awakened at early morning hours. Well, because of complaints like these, what I did was not introduce legislation. I did not do that.

What I did was I wrote a letter to all the major trash haulers in the City of Pittsburgh, and I have a copy of this letter right here, which I would like to ask to be distributed, and that letter is dated May the 2nd – this is just one example – to Chambers, where I spoke about the complaints we received and ask them if they could respond to this request in writing. That was on May the 2nd. Having not heard in writing from those trash haulers, what we did was drafted legislation, and on June the 22nd, sent another letter, and I would like to pass this to all Members of Council, and in this June 22nd letter, which was six weeks ago, to all the major trash haulers, it says, "I continue to receive phone calls from residents complaining about late night trash pick up," and then, "Enclosed please find a copy of legislation that I plan to introduce before City Council limiting over night trash pick up, unless I have a written response –" in this case "– the Chambers Development Company will refrain from picking up trash between 12 a.m. and 6 a.m. I would like your response by July the 10th," two and a half weeks later. I did not receive a written response from them.

How many people, when they introduce legislation, send a copy of the legislation to those people who would be affected and ask for their response? Well, we did that and did not receive a written response, then, having not received that response, introduced the legislation. Councilmembers said they wanted a little bit more than, which I respected – Councilman Ricciardi, the co-sponsor and I respected. We held the bill for a week – or recommitted the bill, effectively holding it for yet another week. It is a pass in the preliminary vote twice, and now at 9:41 a.m., on the date of the final vote – because that is the time on this FAX sheet that we got from Chambers – at 9:41 a.m. they ask for a delay. I spoke with this gentleman from Chambers yesterday and I discovered that he had not even looked at the zoning map to see how this would affect them, and I told him how he could get a hold of the zoning maps, that I could help them do it. Because this is only in residential zones, and that has to be made very clear, only in a residential zone or within a hundred feet, which is a very short distance, of a residential zone.

So, at the eleventh hour, at 9:41 a.m., on the final vote, we get a two, three sentence letter saying that there should be a public hearing, and this Council is going to cave in to have a public hearing. I am totally opposed to this, because we all know what a public hearing means, by the

way, folks. A public hearing means that this bill will not be brought up until late September or early October. Our final Council Meeting, I believe, Council President Ferlo, is Monday, which is six days from today. I cannot imagine that we could have a public hearing in that period, because I think under law we have to give – what, 30 days notice?

The Chair:

Ten days.

Mr. Cohen:

Ten days. Excuse me. Ten days notice. so, we cannot have a public hearing before recess. We are not going to be back until after the first week in September. So, although it may sound good to say to have a public hearing, what that effectively means is delaying and potentially defeating this bill.

The other thing is, the problem with the trash haulers in residential districts in early morning hours is the worst in the summer, particularly now for those folks who do not have air conditioning, I feel sorry for them, they have to be awakened at all hours of the night. So, I do not want to delay this bill so that these residents do not get the advantage of having to get a good night's sleep during the summer months. And, I suggest to Councilmembers that we have done bent over backwards to the trash haulers to get their input on this and to make sure that it is not a detriment to them, and I think that caving in right now to the trash haulers to delay and potentially defeat this bill would be a mistake.

The Chair:

Councilman Ricciardi, the co-sponsor, and then Mr. Udin.

Mr. Ricciardi:

Yes. Thank you. It appears that the vote on recommittal is going to be a close one, however, I am optimistic that it will be defeated.

Just let me say that my relationship, or correspondence with the major trash haulers goes back to 1992, when I first start receiving complaints from residents who live out the Carson Street corridor, and it is very simple, and that is it is very difficult to get a good night's sleep when people are picking up at midnight, 2:00, 4:00 and 6 a.m. in the mornings, for obvious reasons. I mean we are dealing with dumpsters that are made out of steel and iron and it is very difficult to do that in a quiet manner.

I think the bill is very clear cut, and that is the Pittsburgh Code does talk about traffic impact and other criteria that needs to be looked at but it really never talks about the residents themselves. We talk about traffic, we talk about parking but we really never talk about the peace and quiet that residents should demand and should receive. I mean we all know how it is when we complain about nuisance bars in the area, and we all know how it is when we complain about noise in the streets. Well, this is definitely a generator of noise. I think it is not going to impact the trash haulers much, they are going to have to reschedule but that is a part of doing business. So, I am going to be voting no on the recommittal today. Thank you.

The Chair:

Thank you, Councilman. Mr. Udin.

Mr. Udin:

Yes. I am concerned that the trash haulers waited three months before they made contact. This morning is the first time I heard from any of the trash haulers, just before the meeting. If we were not weighing in the balance peoples' ability to get at a good night's sleep, I would be all in favor of recommittal, but that is what is in the balance, people are not able to sleep at night, and I think that a delay in this bill for a public hearing would be totally unfair to those people. If we pass the bill there is nothing to prevent us from having a hearing or public hearing later, or amending the bill in some way to perhaps affect areas that need to be affected and leave alone areas that do not need to be affected, but I do not think that we should subject the people who are being kept awake at night their freedom of having a good night's sleep, which we would do if we recommitted and held this bill for public hearing. So, I will be voting against recommittal.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

Yes. I likewise will be voting against recommittal. I commend Councilman Cohen for being prepared at this time to present documentation, which speaks for itself. I get really tired of businesses at the last minute politicking on their own behalf despite the concerns of the regular citizens which we represent. But, I will say that in reading the correspondence that Councilman Cohen had brought forward, BFI Waste Systems did respond on May 17th, 1995 to Councilman Cohen saying that they were aware of the resident's concerns and that they would re-route their collection vehicles to ensure a minimum of disruption and to avail themselves for further assistance.

So, I do not have a problem. I think this is a proper response. I think we just have a problem with Chambers, who FAX a letter August the 1st, 1995. Again, I frown upon this last minute stuff, and again, I am going to vote against recommittal. I do not think it is going to have much of a negative impact, because this only affects those areas that are business districts within 100 feet of residential districts, and that is far and few between in the City of Pittsburgh. I really do not foresee much change except a few more people sleeping, at least until 6:00 or 7:00 in the morning. So, I will be voting against the recommittal.

The Chair:

Any further discussion on the recommittal? Councilman Hertzberg.

Mr. Hertzberg:

Just some response, Mr. President. I do not know whether it technically falls under the recommittal or the main vote or not. But, I mean I am personally making the motion to recommit, I am not voicing any opinion on who is right and wrong and whether anybody responded on time or not, but I think some valid issues have been raised, and I am not saying that in the

end I am not in favor of this bill or something very similar to it. To me personally and what came up two weeks ago in our discussions here in the first committee session on this and raised by yourself, Mr. President, what the issue of what does residential district mean in this legislation. There is no term of art, there is no specification. Are we talking about an R-1 Zone, an R-3? Well, in my best view of this --

Mr. Cohen:

Residential District is a term of art, meaning any residential zone in the Zoning Code.

Mr. Hertzberg:

To me it is not a term of art, I would respectfully disagree with you, and I would also equally have some ambiguity with that when you come in to the question of certain commercial districts, in which residential occupancy is a permitted use. Is that a residential district, I do not know? I think we have got to get very specific and certain that -- I mean if we are going to do something like this and it is the right thing to do, that we know exactly where we are doing it and that it will be able to function, so that we can have -- that we can address all our concerns about health matters. I mean we do not want to end up with a situation where our restaurants are unable to get their waste picked up and we have a potential health hazard. I mean I do not want to make a rush to judgment on this, and I am not saying it is a bad bill. I have gotten the complaints also from people with the late night noise, but I do not want to jump in here and pass something that might be construed as a blanket type of measure that could virtually be interpreted to encompass the entire City.

The Chair:

Just on the recommittal. I think I have been clear right from the beginning of the debate on this bill that I am ambivalent on the bill, although I wholeheartedly support the intent of doing something regarding problems in a residential area. I made it clear from the beginning, in seven and a half years of being on Council, I have had three instances that I can recall where constituents, primarily residential in nature, have complained about specific pick up of the containers, in fact, the companies involved were not even Chambers or BFI, they were Piccirilli and a few other smaller waste haulers. In those instances, having called the waste hauler, we were able to resolve the issue. Apparently that has not been the case. I do not know that we have been aware of the one Lawrenceville incident you have mentioned, I am sure if they would call our office, we would try to resolve the issue.

I have expressed from the beginning my one reservation. I mean we keep pointing to the Atrium situation, which is maybe a case that is good in point, but it is an Institutional District that happens to include a very large beautiful condominium and I could see that there is a problem there regarding the pick up.

The one reservation I have, and it still goes back to a point really that Mr. Udin raised initially, and that was the blanket nature of the bill affecting each and every corridor throughout the City. My only reservation is, and I am trying to

apply it to either the Butler Street corridor, Liberty Avenue corridor, I am just worried about whether or not we are going to greatly increase a number of trucks, certainly in the early morning hours after 6 a.m., when we are dealing with school crossing situations, traffic coming into the Downtown and a lot of other problems. I do not have a good sense whether or not that is one or two trucks, or we are talking about a convoy of trucks that are going to be in the neighborhood in the early morning hours. It is very frustrating to a truck driver – I know, because I yell at them all the time and try to pass them and everything else – it is frustrating enough to drive a truck in the City of Pittsburgh, and I just still have the reservation. I voted in favor of it because I believe sincerely that Mr. Ricciardi and Mr. Cohen are trying to act to try to resolve what they see as an important problem, but in doing that, I also think it is important to understand -- and I do not know that we fully understand yet what the actual impact is going to be, not for the Atrium, which I think it is more clear cut, but for some of the – at least some of the neighborhoods that I represent, where you have clearly a residential line within the hundred feet adjoining the commercial line. Because oftentimes the Liberty Avenue corridor, there are A-1 business districts, which are mixed, commercial and residential, but for instance, the Walnut Street corridor, where the rear of the buildings are oftentimes the location where the trash is picked up, I still believe, both as a driver, as somebody who is concerned about school crossing in the early morning hours, things of that sort, that I would rather have the haulers out early in the morning, or during the night if it is not inconveniencing the neighbors. There must be a way, at least I have successfully resolved complaints over the years, apparently that has not been the case and there is a need for some sort of legislation. I am favorable to the need to act legislatively. I still believe it is reasonable to hear additional facts regarding this issue.

Also, having been here for a number of years, it is not unusual, despite the fact – and I applaud Mr. Cohen for taking the – being proactive and communicating to these companies because they were directly involved, and I do not – well, I have no explanation as to why some of them did not, as a courtesy, let alone as a self-interest, respond to you earlier, but there are any number of times when Council has taken an action, like instituting a $10.00 Business Privilege Tax fee, and others, where we have done something only to hear from people later. So, that in and of itself is not necessarily suspect, although you would think these two large companies would know enough to respond to my colleague's communication sooner.

Having said that, I do not necessarily oppose a recommittal for further discussion and debate but I think there needs to be some legislative action, I just do not know if this should be the final bill that is on the table today.

Having said that, Mr. O'Connor, and then we will let Mr. Cohen have the final word since it is his bill.

Mr. O'Connor:

At first I – I was not here last week for the discussion, so I apologize. I see where Mr. Cohen, and I talked to Mr. Ricciardi this morning, have individual

problems, and I respect that. In fact, I live right across the street from a nursing home who empties their trash at midnight and we complain and complain and for a while it works and for a while it does not. So, recently they have solved the problem.

My big hesitation is where it borders, the hundred feet, especially like -- and I am looking at Murray Avenue, Forbes Street, and things like that, where it may hinder a few businesses and again defeat the purpose of what you are trying to do. Again, as you said, Mr. President, where the trash haulers have to come at 8:00, 9:00, 10:00 in the morning, at noon, rush hour, it can be a safety issue, although I do not believe that was the intent of Mr. Cohen or Ricciardi's bill. The thing that may get off dead center and especially with the summer -- and I respect -- I do not want to pit neighbors against commercial districts because, frankly, in my four years I have not had one complaint, except some residential areas, as Mr. Cohen mentioned. I might suggest to help those people in the apartments that are in residential neighborhoods with a hospital or something near it, who may be causing some problems right now, or near some commercial districts. If we could pass this -- and maybe I would suggest a friendly amendment, to remove the hundred feet right now and try to work that out later on. I would certainly be able to support it in residential neighborhoods, but the hundred feet -- and it may only be minor problems I have in some neighborhoods. If you are near, I would say, a Giant Eagle, where the driver has to come at 1 o'clock in the morning, if they do not come at 1 o'clock in the morning, they cannot get on the lots. The Giant Eagles are mostly -- or the Shop 'N Saves are open till midnight and trying to come into one of those lots when it is full and busy, is a problem, and I just do not know if we are -- it may be a little -- very seldom be affected. But, I might make a friendly amendment, if we could remove that hundred feet till we analyze it, without a big public hearing, and talk to the trash haulers, that would eliminate the residential problems right now and solve your problem and then I think later on if you could work on some of the commercial districts. It may not be as much of a problem at all and it may be larger than I think, but looking at some of them, it could be a problem and that is what bothers me about the bill, the way it reads with the hundred feet.

The Chair:

And, further, in response to Mr. Udin's earlier question, maybe, Mr. Cohen, in your final comments you could respond to this, BFI's spokespeople, persons and Chambers in communicating to me this morning regarding this request for a public hearing, implied to me that they were told by you or your office that you were doing a survey and that they were awaiting some type of a survey to respond to scheduling concerns. I do not know if that is true or not, I am only conveying to you what they were led to believe and that may have been some partial response to their late inaction. I am only conveying to you what they conveyed to me.

Councilman Onorato and then Mr. Cohen to close. Again, we are on the motion to recommit only.

Mr. Onorato:

Yes. On the motion to recommit only. I am supporting it today. Obviously

I voted no last week. The only reason I am supporting it today, a request from – I think there were three colleagues that were not present last week, and even counting me, that is still only four that I can count – I am doing it just as a courtesy because of the summer vacation. I am not doing this because of Chambers and BFI. Because, to be honest with you, my concerns, I expressed last week, and I just think it is just a legitimate disagreement between the sponsor of the bill and myself, however the bills go, that is fine. I am concerned just about what it might do with the large hours that are going to be excluded from pick up.

However, there is a problem, they are absolutely right, and it has to be addressed and I still think there is a possibility that this bill can be addressed before the summer recess. I am only recommitting to hear from a few of the colleagues that were not here last week, and that will be tomorrow and there still is a scheduled date for a final vote I think Monday. And, that is my reasoning for voting for the recommittal at this point.

The Chair:

Now, I would like to suggest that Mr. Cohen be given an opportunity to have final word on this bill.

Mr. Cohen:

Thank you, Mr. President. What this bill is about is it is about residents being able to get a night's sleep, a decent night's sleep, without a loud iron and steel alarm clock at 3:00 in the morning. That is what this is about. It is saying, in residential zones, and that is a term of art, a residential zone, every parcel of land in the City of Pittsburgh is zoned with a classification, and residential zones, or within a hundred feet, which is a very short distance, that these huge trash hauler trucks cannot wake up residents at 3:00 in the morning, or between 11 p.m. and 6 a.m. Those are the hours that we are trying to protect residents. That is all this bill is about, and it is one that is necessary, because in the Code it specifically protects commercial corridors in the Code and it does use the term of art "Commercial District". So, I am using – try to use parallel language with "Residential District", and for us to delay this bill any further means to delay peoples' chances of getting a good night's sleep. So, I am going to vote strongly against recommittal.

The Chair:

The motion on the floor right now is a motion to recommit, which means the bill will come back up for a further discussion and/or amendment or a public hearing, what have you. Mr. Cohen.

Mr. Cohen:

There was no such pledge or promise about a survey. The only thing I could think of is, we did – in response actually to Councilman Udin's suggest a couple of weeks ago, we did send a letter to the Director of Engineering and Construction, Fred Reginella, asking for what the traffic impact would be, but that was not even conveyed to the trash hauler. So, there was no promise of some survey, whatsoever.

The Chair:

Roll call vote on the motion to recommit Bill 2253.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 5 NOES 4

VOTING NO:

Mr. Cohen	Mr. Ricciardi
Ms. McDonald	Mr. Udin

WHICH MOTION PREVAILED.

The Chair:

Bill 2253 is recommitted for discussion tomorrow. I suggest that these haulers, whether it be BFI or Chambers, or any other smaller company, has a concern, they better make it known between now and tomorrow because I would like to move finally on this bill tomorrow.

MR. UDIN PRESENTED

Bill No. 2343

Report of the Committee on Planning, Zoning and Land Use for July 26, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2056

A Resolution entitled, "Resolution providing for the designation as an Historic District under Section 513 of Chapter 1007 of the Code of Ordinances that certain district known as the Alpha Terrace Historic District, located in the Eleventh Ward, City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2344

Report of the Committee on Housing, Economic Development and Promotion for July 26, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2272

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal for a portion of the North Shore Redevelopment Area.— **(COUNCIL DISTRICT NO. 1)-- (MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. O'CONNOR PRESENTED

Bill No. 2345

Report of the Committee on Lands, Buildings and Procurement for July 26, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2255

A Resolution entitled, "Resolution amending Resolution No. 144 of 1994, effective March 8, 1994, entitled, 'Providing for the letting of a contract or contracts, or for the use of an existing contract or contracts, for the furnishing and delivery of motorized fire equipment and for the refurbishing of existing motorized fire equipment for the Department of General Services,' to allow for partial advance funding in the amount of $50,000; and authorizing the City Controller to transfer and encumber from time to time additional funds not to exceed $2,500,000 upon the direction of the Director of the Department of General Services."

Which was read.

Also,

Bill No. 2256

A Resolution entitled, "Resolution providing for the letting of contracts and the use of existing contracts for the purchasing of materials, general supplies, and equipment by various Departments of

the City of Pittsburgh, during the calendar year 1996."

Which was read.

Also,

Bill No. 2257

A Resolution entitled, "Resolution providing for the letting, during the calendar year 1996 of contracts and for the use of existing contracts, for the maintenance, rental, rehabilitation, renovation, inspection or servicing of personal property, and also for bonding, insurance, printing and other related services, and for the maintenance and repair of buildings, structures or any other properties in the custody of the various Departments of the City of Pittsburgh, and for any miscellaneous services in and for any of all Departments of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Ricciardi.

Mr. Ricciardi:

Thank you, colleagues. Just for the record, I really would like to commend the Director of General Services, Deborah Miskovich, for public disclosure. Since 1990, I have never received information in this great detail, and checking with the City Clerk's Office, they have never received it also in the 1980s. This is solid public disclosure, that really builds confidence in our entire purchasing system from the public standpoint. I mean she talks about commodity contracts, the service contracts, the MBE/WBE participation, also all the statistical and the purchasing process itself, and I really would like to commend her and make that part of the public record. Thank you.

The Chair:

Thank you, Mr. Ricciardi. Any other discussion?

I was not there for the final vote on this, but in voting for the fire equipment, I am voting yes today, but I am not voting and I better never, ever see in the City of Pittsburgh again a so called tiller truck like the past beast of the east. So, I am voting for this bill for 2.5 million, the beginning encumbrances. I hope we are buying equipment, whether it be the existing trucks, or equipment that is approved. I know Director Miskovich has communicated to me that there is a very active committee, including the rank and file members of the Fire Bureau that actually utilize the equipment, and I rest assured that she will purchase the appropriate equipment, but it better not be a tiller truck, at least not the kind we have had in the past.

Other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, are there any matters to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

Mr. Onorato and then Mr. Cohen.

Mr. Onorato:

Mr. President, if my colleagues will excuse the procedural requirement and the normal procedures we follow, I got a call today from Rowan Miranda asking if he could submit two pieces of legislation through my committee. Realizing the break that is coming up and the timing involved, I told him to get it over as soon as possible. I have two letters in my hand from Deborah Miskovich, Director of General Services, and the two bills. I would like to submit them so they could be on tomorrow's agenda for discussion, both bills.

The Chair:

Would the Clerk – you are submitting them through your committee, Finance and the Budget –

Mr. Onorato:

From the request of Budget Director Rowan Miranda.

The Chair:

Would the Clerk please enter the bills in to the public record.

MR. ONORATO PRESENTS

No. 2334 Resolution transferring the sum of $100,000.00 from Code Account 1126, Salaries and Wages, Regular and Temporary Employees, General Services, to Code Account 1128, Miscellaneous Services, General Services, and transferring the sum the $50,000.00 from Code Account 1133, Salaries, Regular Employees, General Services, to Code Account 1128, Miscellaneous Services, General Services.

Which was read

The Chair:

Well, that is really descriptive. We are not going to play this game with this Administration when at the last minute they put in these Code Account changes. I mean there needs to be an accompanying memo. But, in any event, let's read the second bill. And, we would like Dr. Miranda to please communicate to us in writing what are these transfers? We are not getting a pig and a poke here, we need to know what it is that these substantial

amounts of money are used for. So, please let's have some back-up information.

Mr. Onorato:

And, Mr. President, as you know this will be on tomorrow's agenda for discussion. This Council can hold, vote no --

The Chair:

As a courtesy did they at least tell you what these transfers are?

Mr. Onorato:

It was the very last minute, five minutes before I walked in the Chambers.

The Chair:

Well, let's get them in so they can come up tomorrow. But, please we need some information regarding these transfers.

Also,

No. 2333 Resolution providing for the use of new and/or existing agreement(s) and/or contract(s) for Energy Management Services, at a cost not to exceed $150,000.00, chargeable to and payable from General Service Code Account 1128, Miscellaneous Services.

Which was read.

The Chair:

So, we have Energy Management Services and -- the bills have been read into the record. We have agreed earlier that all bills will be committed till tomorrow's agenda. But, please could we please get some back-up information from Director Miskovich and our Budget Officer regarding these bills that have come in in the eleventh hour here.

Councilman Cohen. Excuse me. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. On a totally different issue. Mr. President, and Members of Council, the Westinghouse Electric Corporation is expected to announce today an agreement to buy CBS for five billion dollars. We will find out for sure this afternoon at a news conference that will be taking place in New York City. There has been speculation that this merger could lead to large portions of Westinghouse, at least its headquarters being moved to New York City.

If we lose Westinghouse, or portions of it, it would have a devastating effect on the Pittsburgh region. Westinghouse has been and continues to be a giant in the Pittsburgh region. It is the second largest, largest corporate employer, it employs over 10,000 people in the Pittsburgh region. Westinghouse has been bringing wealth to this region for 109 years. Many of our greatest assets of Pittsburgh were built with wealth that giants like Westinghouse created, our parks, our schools, our bridges, not to mention thousands of people who have made a decent living for themselves and their families for over a hundred years. We have to do everything we can to keep Westinghouse here. We many not succeed, and I understand that, this is a very huge deal, but we have to try.

It was reported in the Pittsburgh Business Times this week that the Mayor's Office has not met with Westinghouse officials yet. Frankly, that should have happened a long time ago. The speculation about this buy-out has been rampant for the last several months. There is a tremendous amount, a tremendous amount of time, money and energy that are being expended to move a department store four blocks, from one part of the Downtown to the other, perhaps as much as 47 million dollars in public funds will be expended to move a department store from one part of Downtown to another. The potential loss of Westinghouse is of far, far more important to this region and to the economy of this region. We have already lost more jobs and more people and more per capita income in the last 15 years than any of the top 25 cities in the country. This region is already in a crisis, and we have to do everything possible to prevent the loss of a corporate giant like Westinghouse. We may not succeed but we have to try. Westinghouse's headquarters alone has 663 employees.

So, Mr. President, I would like to make a motion to formally call on the Governor, our two United States Senators, the County Commissioners and the Mayor to meet as soon as possible with Westinghouse Chairman Michael Jordan and any other representatives of Westinghouse to explore ways in which we can keep Westinghouse here in Pittsburgh.

The Chair:

Thank you, Mr. Cohen. A motion is on the floor. Is there a second for discussion?

Mr. Hertzberg:

Yes, second for discussion.

The Chair:

Mr. Hertzberg seconding for a discussion. Councilman Hertzberg.

Mr. Hertzberg:

Friendly amendment. Not only try to keep them here but try to get the new merged entity here, actually hope to increase what we have here.

Mr. Cohen:

If we can get CBS to move from New York, boy, that would be a tremendous accomplishment, though, wouldn't it.

Mr. Hertzberg:

I don't know. My experience is --

The Chair:

We have a motion on the floor, it has been seconded, I'll third it. I think it is a great resolution. I wouldn't presume, just because the newspapers implied, that there has not been a discussion between the Mayor and Westinghouse, that that is necessarily the case. It doesn't mean that the Mayor has to hold a Press Conference every time he wants to have a discussion with a CEO. I hope that is not the case because I do not think that is the best way to get something done from a productive nature. I am sure, obviously, there is a concern.

I not only applaud the Mayor but I applaud your resolution because it does bring in other elected officials and certainly the Governor himself. I guess I looked at this as a two-sided coin. I think everybody in this room and certainly some who are more understanding of the business world than I am, understand the actual fiscal condition, financial condition that Westinghouse has been in for some time. And so, I look at it maybe from the other side of the coin, and that is maybe this specific merger is a way to actually maintain and possibly strengthen the Westinghouse Corporation, which, quite frankly, could have gone the way of Gulf and other companies that just moved out of the City.

So, I look at it from maybe the glass being half full as opposed to half empty, and I like to be a little bit more optimistic that actually this actual transaction that hopefully will take place is a way to actually strengthen the financial livelihood of the Westinghouse Corporation, which for all practical purposes, quite frankly, has had some problems over the last five years in particular. And, I would rather look at it from that point of view.

And, I also think Mr. Hertzberg's comments appropriate, that I think, let's put everything equal, it is true that maybe Manhattan Borough and New York City is the place to be for a lot of the media corporate elite, but I think in terms of livability, the City of Pittsburgh, it is hands down when talk about the livability of a corporate community and its employees and the family of employees that Westinghouse and/or CBS has, and I think it is hands down when you compare the livability of the Pittsburgh region and the City of Pittsburgh to that of Manhattan and the City of New York.

So, I applaud the resolution, I think we should use it optimistically as a way to encourage the merger to look at Pittsburgh as a major corporate home, not only for whatever Westinghouse is in the future but also for the media giant that is now being created. So, I applaud the resolution. I am sure the Mayor has probably already been quick to act on this point, whether or not he has done it in a public fashion is not necessarily the relevant thing at this point, and I think wholeheartedly we should move quickly on this and express our concern.

But, I want to express some optimism, enthusiasm for Mr. Jordan's leadership at Westinghouse, looking at this as a way of possibly being realistic about what this corporation needs to look like after the year 2000. So, I guess I look at it from that point of view as opposed to some of the past situations involving Gulf Oil or Marathon and some others that have kind of just upholded and left the region.

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I hope that it was clear that I was not criticizing the buyout at all.

The Chair:

Sure.

Mr. Cohen:

But I was saying, given the fact that this buyout will probably will occur, and we will find out this afternoon, and given the fact that Westinghouse is the second largest corporate employer with over 10,000 employees in this region, we need to have a very high level delegation, and by high level I mean the Governor, our two Senators, the County Commissioners and the Mayor to approach Westinghouse and see what possibilities, frankly, what we can offer them to stay here, because these are many, many employees and Westinghouse has had a very rich history of contributing to our region. So, I would like to see that happen.

The Pittsburgh Business Times may have been incorrect, and I should say that I have not heard from the Mayor's Office as to whether or not they have been in contact. I hope so, I certainly hope they have been in contact months ago, but if that has not happened, we should have a high level delegation meet with Chairman Jordan and other representatives to see, to give it every possible try to see if we can keep Westinghouse here and possibly move some of CBS to Pittsburgh.

The Chair:

Yes. And, recognizing, in effect, I mean we may really have sort of an early warning alert here because we may not know for weeks, if not months as to what the actual configuration will be of corporate Westinghouse in the future assuming the transaction happens today. So, I think partly what you are asking for also is an early warning leadership alert network, if you want to call it that, that is really going to be, quite frankly, on top of this, depending on what transpires in the next weeks and months regarding the actual employee situation, corporate headquarters, and things of this sort.

Councilman Udin and then Mr. O'Connor.

Mr. Udin:

Yes. It is probably just an oversight on the part of the sponsor or the speaker, but I think that such a high level meeting is important, and I would not exclude from that meeting Pittsburgh's Congressman as well to strengthen the meeting and make it complete.

Mr. Cohen:

Absolutely.

The Chair:

I am sure there is no intention to leave out Congressman Coyne.

Mr. O'Connor.

Mr. O'Connor:

I certainly commend Mr. Cohen on the resolution and support it, but I agree also with you and Mr. Hertzberg, is the glass half empty or half full. With 10,000 employees, is Mr. Jordan a sharp business person, to take 10,000 people to New York City is a lot more expensive and the cost of living is a lot higher. So, I think it could be a benefit to us. He may see the benefit of being in Pittsburgh and bring -- if he does, I am not saying he would bring all of CBS here, but he certainly could bring a lot of the staff and the middle management people here and save that

company a lot of money. So, there are a lot of advantages to moving the company here, maybe keeping some offices there, as a lot of companies are doing, moving the -- actually the work force to a small market.

So, I would hope the Mayor, and I know he has a good team that would really jump on that, with all our support, whether it be Congressmen, Senator or Governors, to persuade him, Mr. Jordan, to bring more employees to Pittsburgh. So, I see there is a golden opportunity. And, as you said, Mr. President, Westinghouse was kind of on the ropes and this looks like they can come back as champions and really maybe put Pittsburgh back on the map.

The Chair:

Well, rest assured, Mr. Jordan is an excellent business person, and I think what you have just laid out is really the scenario that I would suggest our tactic be. And, that as far as I am concerned, when it comes to the Borough of Manhattan and New York City, and all the woes and medicable woes they have in that borough, as far as I am concerned the hunt is on. We should go about the business of working with Mr. Jordan and convincing him of the need not only to stabilize and maintain the 11,000 plus employees and all the business relationships and property and management opportunities that he has here in the City of Pittsburgh and the surrounding area but, quite frankly, the hunt is on, and let's approach Mr. Jordan about the insufferable basis in which one has to conduct business in New York City and the manner in which a great opportunity exists for this corporation to grow here in a livable area.

Having said that, I am sure we are all for the resolution. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Is there any other matter to be brought before the body? Mr. O'Connor.

Mr. O'Connor:

Two brief items. One, last week, as you may know, I missed the meeting and I went to Philadelphia to present our resolution supporting putting riverboat gambling on the ballot. With some arm twisting I was permitted to speak. It was quite interesting, and a lot of people were -- actually almost everyone agreed with our resolution, even the people that were against it, and I found out Philadelphia is kind of sitting in the same boat we are, they have some very prominent locations that are sitting idle, actually more than we do, waiting for riverboat gambling to happen, and almost everyone agreed -- and I see the Mayor, which I would support what he is coming out, let the people speak, let them decide, so that we can move on.

So, I want to thank you all for the resolution, I think it had quite an impact on 90 percent of the delegation up there. And, Mr. Clymer was not going to hear from anyone, I certainly passed it on, your invitation to come here, whether himself or a committee, they did not accept it, they gracefully said thank you, but I do not see them going too far with that.

Second point. This is National Night Out, and we have outstanding block watches all over the City and I just want to

commend them and mention it. I am sure all of our neighborhoods have it, we will all be out strong. One of the biggest block parties in my district is Monitor Street in Squirrel, which is very close to St. Philomena's, where they are making a movie. So, we have invited the cast to be there at Monitor Street and there are some celebrities we think will show up. There is rumor, and I have to emphasize, it is only rumor, that Sharon Stone could stop by to say hello. So, I hope everyone comes out. I am waiting for her to call to see if she needs escorted over. That is part of the deal. Because it is in my neighborhood, somebody has to do those things, as a loyal Councilman to my constituents, I am always –

The Chair:

You better have a lot of Kool-Aid there tonight because you're going to need it.

Mr. O'Connor:

– I'm always available there. But it is only a rumor but we may, we may be there, we are going to try.

The Chair:

But, Councilman O'Connor will be there, nonetheless. Councilman Udin.

Mr. Udin:

Thank you, Mr. President. Just when you thought it was safe to go back into the pool, the pool is closed –

The Chair:

A funny thing happened to you on the way to the pool, right?

Mr. Udin:

Yes. I think that the Council needs to be aware, not so much in the summer time when the pools open, but in the winter time, we need to be just as much on top of and supportive of the department getting the kind of repairs in place that can prevent this kind of thing, rather than waiting until the pools open and have to inconvenience the residents in 95 degree weather, it is embarrassing, and the problems that we are trying to face there are problems that could have been avoided just with some attention prior to the pools opening. But, I am encouraged still by the changes that have been made at Ammon Pool and the staff that are there trying to install rules. They have increased the number of lifeguards. They are doing a fantastic job in trying to present and provide a safe and recreational swimming experience for all concerned. They need our continued support. But, we have some really very serious problems as it concerns our pools and I hope we will give it adequate attention.

I also want to comment on the continuing effort to save the laundry, the hospitals' laundry in the Hill District. We are continuing to try to meet with the hospital representatives, and, Members of Council, you have received an invitation to join us at a meeting on August the 7th at 9 a.m., in the Mayor's Conference Room and we hope that you all be there. I expect that all of the parties will be there, the Mayor's representatives will be there.

Perhaps we can get this thing resolved to everyone's satisfaction. Thank you.

The Chair:

Thank you, Councilman. Thank you for getting the meeting together. We have a public hearing this afternoon at 2 o'clock regarding some rezoning on the South Side. There are only a couple of speakers but we do need a quorum this afternoon at 2:00.

And, I would like to ask that if there is no other matter, that we adjourn and that we meet again on Monday, August 7th at 10 a.m. in the morning.

Any other discussion? If not, we need a motion to adjourn.

And on the motion of **MR. HERTZBERG**

Council adjourned.

(COUNCIL'S COMMENTS ON BILL NO. 2287)
(Wednesday, July 26, 1995)

Mr. Udin:

I am unclear as to why we are moving the complaints without having heard from Duquesne Light. I have gotten a couple calls indicating that the information that was distributed in the newspaper and by the resolution concerning this matter that came before Council and will come before Council contains conflicting information or information about which there is some dispute. So it seemed to me that it might be more prudent for us to try to get more information about what the effects of the Banksville closing actually will or will not be, prior to asking for a complaint. I just don't have enough information yet to feel comfortable with requesting a hearing from the PUC.

Mr. Ferlo:

Just to respond. First of all, this is not a formal legal action we are asking the municipality or Solicitor to engage in. This would be a formal communication on behalf of the municipality, which should properly be filed on behalf of this Council, utilizing the expertise and services of the Solicitor, who in the past the Law Department has involved — at the request of Council, has filed various complaints with the PUC on various rate hikes that clearly could adversely affect not only city residents, but more importantly, our own city budget. So this is not a legal kind of initiating. This is not a proceeding that would be legally initiated in a court of law. This would be filing a formal complaint on behalf of the municipality regarding what we perceive to be adverse impact of the closing of the Banksville facility.

Now, I don't know if Duquesne Light has specifically communicated to Council regarding their side of the issue, but I feel very comfortable in at least the information that has been provided to me, and possibly some other Councilmembers, from the IBEW and others involved that, indeed, the closing of the Banksville facility will have an adverse impact on service. It was most recently demonstrated in the heat of the last few weeks, where there were thousands of calls and many, many residents who had to wait unusually long periods of time — not only hours, but, in fact, several days — before service was addressed. The individuals that would service in the future if this facility were closed would come as far away as

Aliquippa and other places outside the city to respond to major service calls in the city.

Firefighter King speaking on behalf of firefighters spoke yesterday eloquently about how important the service response time is that they need for Duquesne Light repair crews in response to major fires that they have to deal with. They are raising a major public safety concern with the closing of the facility.

It is clear, at least to me, that it is not a traditional or narrow trade union issue involving the loss of some IBEW jobs, but that in this instance there is a relationship between the loss of those jobs and, indeed, a loss of service to Duquesne Light customers.

We pay the highest utility rates for electricity in the Commonwealth under Duquesne Light's service center and, in fact, we pay the fifth highest light rates of any municipality in the United States of America. So there is a significant service question to the PUC who has approved these rates about what we are getting for the dollars we are paying.

The filing of a formal complaint would be an expression of this concern to the PUC who who we are asking specifically to hold a public hearing here and establish more factual information that would also provide Duquesne Light an opportunity, if they so choose, to appear in the forum and respond publicly.

There was an internal memo from Duquesne Light that was distributed yesterday to the media that was an internal working group that actually stipulated in writing that this closing would actually have an adverse impact on service. I am sure the company has not made that public to this Council, but we had a copy and did make it public to the media yesterday.

So I strongly ask that Council give consideration and support this resolution.

(End of remarks.)
Transcribed by: Helen L. Kriebel, Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *August 7, 1995* *No. 33*

Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, August 7, 1995

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Onorato

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a young woman, her name is Kim Federovich, she is from Penn State College, a Senior. Usually we have younger students from the elementary school but we are pleased to have a college student here today, she is a Senior and she is in Councilman Cusick's District, the 4th District. And, Kim is going to lead us in the Pledge of Allegiance. Kim.

Kim Federovich:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Kim.

Kim Federovich:

Thank you.

The Chair:

Our City Clerk would like to present you with the flag of our City and the flag of our nation.

PRESENTATIONS

The Chair:

We have a number of guests in the audience this morning, and at this time I would like to call on Councilman Joe Cusick.

Mr. Cusick:

Would Officer Carla Hubbard please come up. Is Carla here?

The Chair:

Is Officer Hubbard here this morning? Councilman, do you have other guests in the audience?

Mr. Cusick:

Yes, we do. Would Bryson Lesniak, Dawna Duermeyer and Erin Nolan, would you please come up.

The Chair:

Welcome.

MR. CUSICK PRESENTS

No. 2346 WHEREAS, 18 year old Bryson Lesniak, a sophomore at Penn State University, is working as a lifeguard at the Brookline Community Center swimming pool for the summer; and,

WHEREAS, on Friday, July 14, 1995, Bryson was on duty when he spotted a small child floating in the pool; and,

WHEREAS, Bryson acted quickly and pulled the child out of the water and began emergency first aid procedures; and,

WHEREAS, the 4 year old boy was attended to by the Pittsburgh firefighters first response team and the Pittsburgh paramedics who treated the child and released him in good condition to his mother; and,

WHEREAS, on Tuesday, August 1, 1995, lifeguards Dawna Duermeyer and Erin Nolan of the Sue Murray pool on the North Side alerted by a child rushed from the pool house and revived 4 year old Kristen Wiles who was found floating unconscious; and,

WHEREAS, Dawna and Erin simultaneously performed CPR on young Kristen who then resumed breathing; and,

WHEREAS, Dawna and Erin continued to care for the child until city paramedics arrived.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby honor and commend Bryson, Dawna and Erin for their quick response in assisting in saving the lives of these young children.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, August 12, 1995 Bryson Lesniak, Dawna Duermeyer and Erin Nolan Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

I am very honored to have these guests up before us today, not only because of the tough job that they do all year long, just watching over the pools, but I think that, for the most part, the City is very proud of these individuals for the acts that they were involved in in regards to saving these children's lives. We hear about so many children that die each year from pool accidents but these people played a very important part in saving a few of our children in our City pools. I think they ought to be commended and I think we all ought to give them a nice hand of applause.

Bryson Lesniak:

I would like to than the Council for this on behalf of all the guards at my pool because I feel we work as a team and we worked as a team to make that save.

The Chair:

Thank you.

Mr. Cusick:

Dawna.

Dawna Duermeyer:

I just want to say the same thing, that although the three of us are being recognized here today, I think all the guards at all the pools deserve the recognition because without them we would not have been able to save that little girl.

The Chair:

We have our Parks Director, Faith Gallo. Would you like to say a few words, Director Gallo.

Dir. Gallo:

I said my personal thanks to you last week but I want to repeat that. I appreciate your quick and efficient and alert lifeguarding. We hear a lot of complaints about lifeguards and we have had some problems with a few lifeguards but most of them are great kids, and I think you two exemplify the kind of things that lifeguards can do, are trained to do and you performed excellently and we all appreciate it, everybody in this City is appreciative of what you did. Thanks.

The Chair:

Thank you.

Mr. Cusick:

In addition I think we would also want to thank our paramedics and our firefighters that responded to each of the events that we talked about earlier.

I would like to now call Carla Hubbard. Is Carla here?

The Chair:

Officer Hubbard, good morning.

Mr. Cusick:

Would you like to have your family come up with you?

The Chair:

If you would like to have the family members to come up also, you are welcome.

Mr. Cusick:

It is an extraordinary day, it is not often that you get to thank so many people for playing such an important part in saving the lives of our young but today it seems as though we are going to have that opportunity again. A lot of us may have heard about the situation that we are about to talk about on the news and unfortunately some children this year have not been as fortunate to find people like Officer Hubbard to come upon them and save their lives.

Having said that, I would like to read the proclamation.

MR. CUSICK PRESENTS

No 2347 WHEREAS, Pittsburgh Police Officer Carla Hubbard works out of the Zone 3 Police Department and is a resident of Overbrook; and,

WHEREAS, on Thursday, August 3, 1995 Officer Hubbard was off-duty and planning to enjoy an afternoon with her children at the Spinning Wheels roller-skating rink; and,

WHEREAS, at approximately 1:20 PM Officer Hubbard came upon a child faintly screaming from a locked van with temperatures outside exceeding 95 degrees with the temperature in the van well over 120 degrees; and,

WHEREAS, Officer Hubbard using her skills as an officer as well as a parent acted swiftly after seeing a suspicious flash of movement in a van and immediately broke into the vehicle and removed 4 year old Shanique Lyons from the sweltering van; and,

WHEREAS, Officer Hubbard quickly notified the appropriate authorities who brought Shanique to Mercy Hospital for treatment and proceeded to investigate the day-care center.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and honor Officer Hubbard for her heroic and unselfish actions in saving the life of Shanique Lyons and also for exhibiting the upstanding character representative of the Pittsburgh Police force.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Monday, August 7, 1995 as Officer Carla Hubbard day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

I would just like to bring Carla up, and please, we are very proud to have you as a Pittsburgh Police Officer, but more importantly, for playing such an important part in this young person's life. Please, Carla.

Ofr. Hubbard:

Thank you. I am real tickled about that "Carla Hubbard Day". That's funny. But, I would like to thank City Council and everyone here for their support. I would like to thank God most of all who placed me at that time when this little girl needed to be saved, and if you could have been there, you would have believed that it was God, and so I just want to give him the glory.

Being a Pittsburgh Police Officer, this is like the ultimate for me because we usually get there either early, because someone is coming to get them, or either after the fact, when someone has already been shot. But, I just feel so blessed to have been there right on time, and so for that I hope that I can continue to be there for people when they need me. My heart is still saddened by the little children that I didn't save, I wish that I could have been there for all of them, one life is too many.

So, with that, just have compassion for people and get involved. If you see someone that needs your help, then do it, regardless of what your occupation is, we all need each other. And so, I just want to say thank you, I am deeply grateful beyond what words can say. Thank you very much.

Mr. Cusick:

Lieutenant Dwyer, would you like to come up and say a few words. Please.

Ofr. Hubbard:

This is my daughter Taylor and her father Tony, and my daughter Jodie, and my mother Carol Ann.

Mr. Cusick:

Welcome.

Ofr. Hubbard:

Thank you.

The Chair:

Lieutenant Dwyer.

Lt. Dwyer:

I am here today on behalf of Commander Mullen on the South Side, and I would just like to say, it is our pleasure to congratulate Officer Hubbard and it is a pleasure to have officers like Officer Hubbard working for us on the Pittsburgh Police, because Officer Hubbard has a wonderful attitude, a high degree of professionalism and it just proves that the Pittsburgh Police are out there on duty and off duty for the citizens of the City of Pittsburgh. Officer Hubbard was off duty when she saved the child which shows her commitment to public safety and her extreme degree of professionalism. We are very proud of Officer Hubbard. Thank you.

The Chair:

I want a copy of that picture. Thank you, Officer Hubbard. Congratulations.

Councilwoman McDonald.

Ms. McDonald:

Mr. President.

The Chair:

Thank you, Councilwoman.

MS. McDONALD PRESENTS

No. 2348 WHEREAS, on August 12, 1995 Belmar Gardens, Inc. will commemorate the burning of the mortgage on Belmar Gardens; and,

WHEREAS, Belmar Gardens, Inc. is the only African American cooperative in Western Pennsylvania to have satisfied the mortgage held by the Housing and Urban Development Corporation (HUD); and,

WHEREAS, Belmar Gardens, Inc. will have an entire day of celebration beginning at noon with a parade and continuing throughout the day with magicians, food, African dancers, and prizes.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend and recognize Belmar Gardens, Inc. for being committed to fulfilling their obligation to the Housing and Urban Development Corporation (HUD).

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Saturday, August 12, 1995, as "BELMAR GARDENS DAY" in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Councilman Udin.

Mr. Udin:

Mr. President.

The Chair:

Councilman. Thank you.

MR. UDIN PRESENTS

No. 2349 WHEREAS, Mrs. Louise Brookins has been selected by the Gateway Health Plan to receive honors for the dedicated and diligent work she has contributed to the Pennsylvania Welfare Rights Association and the Philadelphia Welfare Rights Organization; and,

WHEREAS, Mrs. Louise Brookins has always been a leader in fighting for Welfare Rights in the State of Pennsylvania, and her goal has always been helping people that were not able to help themselves; and,

WHEREAS, Mrs. Louise Brookins has served as Chairperson and Executive Director for Philadelphia Welfare Rights Organization; Founder and President of Welfare Pride Inc.; Chairperson for the Pennsylvania State Welfare Rights, and a host of other positions within several social services agencies; and,

WHEREAS, The Philadelphia Welfare Rights Organization was first founded in the late 1950's under the name Crusades for Children. This non-profit organization changed it's name to the Philadelphia Welfare Rights Organization in 1967; and,

WHEREAS, the purpose and goal of the Philadelphia Welfare Rights Organization is to motivate and educate on self help techniques, to educate low income individuals of their rights under the law, and to help provide training and organization; and,

WHEREAS, on this August 8, 1995 we honor Mrs. Louise Brookins for the more than 20 years of advocacy and leadership she has provided to the welfare rights movement in the State of Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh commends and congratulates Mrs. Louise Brookins for her outstanding honor.

MR. UDIN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Any other proclamations or Read and Adopted? Hearing none, we will move on to Presentation of Papers. This being the last Legislative Session, normally we do not have any other bills, but I do believe that Councilwoman McDonald and I do have bills at least to introduce, you can maul them over over the summer month.

Councilwoman McDonald.

Ms. McDonald:

Mr. President.

MS. McDONALD PRESENTED

No. 2350 Resolution providing for an agreement or agreements with various community organizations for operational/administrative expenses for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $12,000.00.—**(SPONSORED BY MS. McDONALD)**

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

The Chair:

That bill will come up September 7th.

THE CHAIR PRESENTED

No. 2351 Resolution authorizing and directing the Director of Finance to prepare an inventory, utilizing City personnel, of all tax exempt realty in the City, and forward said inventory to Council no later than September 30, 1995.—**(SPONSORED BY MR. FERLO)**

Also,

No. 2352 Resolution authorizing and directing the Director of the Finance Department to prepare an inventory, utilizing City personnel, of all tax delinquent realty in the City, and forward said inventory to Council no later than September 30, 1995.—**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Finance and Budget.

Also,

No. 2353 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Districts and District Regulations, Chapter 921, Classification and Zoning District Map, by changing from "R2 - Two Family Residence" to "R3 - Multi-Family Residence", certain property located on the 1100 Block of N. St. Clair, between Albree Way and Hampton Street, 11th Ward.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

Also,

No. 2354 Resolution authorizing and directing the Director of Public Works to cease and discontinue the collection of waste from all public schools in the City operated by the Pittsburgh Board of Public Education, effective January 1, 1996.—**(SPONSORED BY MR. FERLO)**

Also,

No. 2355 Resolution authorizing and directing the Mayor and the Director of Public Works to enter into an agreement with the Pittsburgh Board of Public Education for the collection of municipal waste from public schools, pursuant to Section 619.02 of the Pittsburgh Code.—**(SPONSORED BY MR. FERLO)**

Also,

No. 2356 Resolution authorizing the Director of Public Works to prepare a report itemizing all private institutions, entities, corporations or persons which receive materials or services from the department at no charge and forward said report to Council no later than September 30, 1995.—**(SPONSORED BY MR. FERLO)**

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

The Chair:

Thank you. Again, these bills will come up in the Standing Committee on September 7th for discussion, and I will convey to you some additional information regarding the bills that I have introduced today, all of them are budgetary in nature.

Moving along, no other bills to be presented this morning. Is there any matter under Unfinished Business or Reports of Special Committees?

UNFINISHED BUSINESS

The Chair:

Councilman Cohen.

Mr. Cohen:

I just thought of one. Thank you. Just from the Cable Committee. You may have read that the House of Representatives on Friday passed the Telecommunications Bill. This Council expressed its opposition to that bill because it will allow local cable monopolies like TCI to raise their rates even further. The restrictions that we now have on TCI are fairly minimal, as you know, but we have some that this Council

I think has used to the fullest extent, and that is the ability to reject Basic Rate increases, the ability to file complaints against TCI for Expanded Basic increases like those junk channels that they threw on, and also to have some restrictions on expenses like remote control and installation. So, other charges. This bill that Congress passed on Friday would do away with all of those restrictions. So, it would allow TCI unfettered right to raise rates. That is wrong, and what I would recommend is if every Councilmember would write to the President as I have done and ask him to veto this bill. This bill is anti-consumer and it will hurt the cable customers of Pittsburgh. So, I just wanted to give an update on that and ask Councilmembers if they could do that. I think we can have a pretty good chance of having the President veto this bill.

The Chair:

Thank you, Mr. Cohen. Councilman Udin.

Mr. Udin:

Yes, I want to thank my Council colleagues and also the Mayor and representatives from his office and others who attended what I considered to be a very constructive meeting this morning in bringing the hospitals concerned with the laundry, the hospital services laundry in the Hill District back to the table to begin some discussions and negotiations that will hopefully at some point result in the restoration of work for the 80 workers who have been laid off and the restoration of benefits, health benefits back to their families. We will have to stay on top of the issue to make sure that everyone maintains a high level of resolve. So, I just wanted to thank my Councilmembers and Council President for your support.

The Chair:

Thank you, Councilman. You will keep us informed of future meetings and what we need to do. Thank you so much.

Any other matter under Unfinished Business or Special Committees? If not, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance and the Budget, Mr. Onorato. Mr. O'Connor for Mr. Onorato.

Mr. O'Connor:

Mr. President.

The Chair:

Thank you, Mr. O'Connor.

MR. O'CONNOR FOR MR. ONORATO PRESENTED

Bill No. 2357

Report of the Committee on Finance and Budget for August 2, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2288

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the U. S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of $1,700.00 in payment of the Annual Materials Fee Invoice, charging the same to Code Account 1482, Miscellaneous Services."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2302

A Resolution entitled, "Resolution providing for the transfer from General Fund Code Account 45, Health/Life Insurance - Municipal Employees, to General Fund Code Account 30, Refunds and Interest - All Other Taxes, the amount of $300,000 (Three Hundred Thousand Dollars)."

Which was read.

Also,

Bill No. 2303

A Resolution entitled, "Resolution amending Resolution 414, effective June 13, 1994, entitled, 'Providing the authorization to make all legitimate expenditures for wages and fringe benefits for supervisor/participant, Workers' Compensation, Unemployment Compensation, participant physicals, transportation, copier, supplies, related outreach and recruitment costs, and administrative expenditures necessary to implement the Safe Summer '94 and 1994 Pittsburgh Partnership/Summer Youth Employment Program; providing for the periodic transfer of funds to reimburse for expenditures and periodic payment of costs incurred in the Safe Summer '94 and 1994 Pittsburgh/Summer Youth Employment Program thereof,' by increasing the total for City paid costs by $100,000.00 from $488,400.00 to $588,400.00. Total costs shall not exceed $679,000.00."

Which was read.

Also,

Bill No. 2304

A Resolution entitled, "Resolution repealing resolutions approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984."

Which was read.

Also,

Bill No. 2305

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/NeighborFair Sideyard Program."

Which was read.

Also,

Bill No. 2306

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 2307

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales, in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilwoman McDonald.

Ms. McDonald:

I would like my comments brought forward on Bill 2307.

(REMARKS - SEE ADDENDUM)

The Chair:

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2328

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Treasurer, City of Pittsburgh, in the amount of Forty Thousand Dollars ($40,000.00), for the purpose of establishing an Imprest Fund for the Bureau of Police, Department of Public Safety.—**(MR. COHEN AND MR. ONORATO)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. On Bill 2328, I received a call from Deputy Mayor Sal Sirabella this morning, and that regards the Imprest Fund, he would like it to be recommitted. I think we can still recommit on a last day. So that it will come up again when we get back. He needs to talk to the Chief of Police and Finance folks just to see whether we actually need this fund.

The other bill, because it is a companion bill, is Bill 2330, under Public Safety. If it is appropriate, I would like to move to recommit both of those.

The Chair:

There is a motion on the floor to recommit. I do want to also communicate that our City Controller has asked that this bill be recommitted. There is currently an audit going on of the Imprest Fund, this and other funds. There are some concerns and questions that the Controller has raised to me. I am loath to approve it today, so I am pleased that the Administration has agreed, or is also agreeing to recommit the bill.

Other discussion on the recommittal of the two bills? All in favor?

WHICH MOTION PREVAILED.

The Chair:

The two bills in question are recommitted until September.

Also,

Bill No. 2331

A Resolution entitled, "Resolution authorizing the Director of Parks and Recreation to grant temporary City residency requirement waivers for Pools Division Employees, in accordance with the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 181, General Provisions, Section 181.02, Residency Required; Exceptions. —**(MR. HERTZBERG AND MR. ONORATO)**"

Which was read.

Also,

Bill No. 2334

A Resolution entitled, "Resolution transferring the sum of One Hundred Thousand Dollars ($100,000) from Code Account 1126, Salaries and Wages,

Regular and Temporary Employees, General Services, to Code Account 1128, Miscellaneous Services, General Services, and transferring the sum of Fifty Thousand Dollars ($50,000) from Code Account 1133, Salaries, Regular Employees, General Services, to Code Account 1128, Miscellaneous Services, General Services.—**(MR. O'CONNOR AND MR. ONORATO)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2335

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $2,808.00 to David J. Levenson, M.D. in settlement of claim for sidewalk damage due to City tree roots."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2336

A Resolution entitled, "Resolution providing for the transfer from General Fund Code Account 200, Municipal Obligation Non-City Water Agencies, to

General Fund Code Account 44-1, Unemployment Compensation Fund, the amount of Three Hundred Thousand Dollars ($300,000.00)."

Which was read.

Also,

Bill No. 2337

A Resolution entitled, "Resolution amending Resolution No. 415 of 1995, for the City of Pittsburgh, Department of Finance, to make severance and monthly payments to eligible City of Pittsburgh employees who elect to participate in the Early Retirement Incentive Program on July 1, 1995."

Which was read.

Also,

Bill No. 2338

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title, Two, "Fiscal", Article IX, "Property Taxes", Chapter 263, "Real; Property Tax and Exemptions", Section 263.20, "Definitions", Subsection (e), "Eligible Taxpayer", by expanding the class of taxpayers eligible to participate in the Property Tax Relief Program so as to include certain widows, widowers and permanently disabled persons, and by clarifying the age requirements for applicants."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Ricciardi.

Mr. Ricciardi:

Thank you. Mr. President, and Colleagues, Bill 2338, which is an expansion of the Property Tax Relief Program, the program was initiated by our Mayor Tom Murphy and sponsored by all Members of Council. It is a result of Act 177, concerning the additional one percent Sales Tax, and there was certain criteria in the Act which was passed by our Harrisburg legislators dealing with age, income and residency. This really expands the participants in the program. What it does, it drops from 60 to the age of 50 and takes into account those that are disabled or lost a loved one, Valerie McDonald correctly pointed out and it was followed through by myself and others, and Councilman Hertzberg and I have also talked about it. I think in a way it is unfair to those people who have not married and are of the age of 50, meaning that if you have been married and you lost a loved one, you now can take part in the program, not be 60 years of age, actually be 50. But, for those that were never married and are 50 or above, in the segment of 50 to 60, I just think it is unfair.

I am going to support this today, however, because in no way do I -- I agree with expanding those that could be eligible for the program but I have asked Paul Hennigan, the Director of our Finance Department, to see what the additional cost would be to actually expand it down to age of 50 for everyone involved as long

as, obviously, they meet the other criteria of income and residency.

So, in summary, I will support this today but I think it is unfair, in a way I even think it is discriminatory against those that have not married and obviously because of that reason have not lost a loved one.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

I would like my comments brought forward on Bill 2338.

(REMARKS - SEE ADDENDUM)

Ms. McDonald:

Adding that I will be supporting this bill today, this Tax Relief Program today. Based upon what the Finance Director had said at Standing Committee, is that it only mimics or it just is in line with the County's language. But, we can do this today but I am looking forward to hearing some further comments and some type of elaboration on how this impacts upon unmarried people, as well as other people who have been very unfortunate in their lives to be in a house and have to pay high taxes on their properties.

So, again, I am waiting for a report from Mr. Hennigan on the direction of Council's orders to get that information, and we can possibly even add further amendments. So, we can do this today but I am not sure if we may have further amendments later or at least further discussion.

The Chair:

Could we please ask the Clerk to communicate formally to Director Hennigan regarding the information requested and if it could please be available upon our September 7th meeting.

Mr. Ricciardi, on this point.

Mr. Ricciardi:

Right. Just for the listening public, the Property Tax Relief Program in front of us, if I am not mistaken, what it does, it freezes the tax assessments to the '93. So, even though we are in the year of '95, '96 or '97, you will be paying your tax rate on your assessment dating back to '93. Just to make that clear for the listening public.

The Chair:

Thank you, Mr. Ricciardi.

Other discussion on other bills? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2358

Report of the Committee on Public Works, Water and Environmental Services for August 2, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2269

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Public Works to execute a Service Agreement with the Town of McCandless, the McCandless Township Sanitary Authority and the Allegheny County Sanitary Authority consenting to the assignment of Sewage Service Amendment Agreement among the City, the Allegheny County Sanitary Authority and Town of McCandless to the McCandless Township Sanitary Authority."

Which was read.

Also,

Bill No. 2308

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for Street Lighting Transfers at various locations throughout the City of Pittsburgh at a cost not to exceed Fifteen Thousand ($15,000.00) Dollars, chargeable to and payable from Code Account, Street Lights Transfer, 3-01-10-0015-94."

Which was read.

Also,

Bill No. 2309

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for materials, supplies and salaries in connection with the City Wide Resurfacing Program in CD eligible areas, at a cost not to exceed One Million Sixty Thousand ($1,060,000.00) Dollars, chargeable to and payable from Code Account, City Wide Resurfacing, 4-01-40-0001-95-530-95-01. This is retroactive to April 3, 1995."

Which was read.

Also,

Bill No. 2310

A Resolution entitled, "Resolution granting unto NASA Robotics Engineering Consortium, 10 - 40th Street, Pittsburgh, Pennsylvania, 15201, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on a portion of the unopened right-of-way on 40th Street between Conrail right-of-way and the Allegheny River in the 9th Ward, 7th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2253

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Seven, Business Licensing, Chapter 765, Commercial Hauling of Municipal Waste, by limiting the times of commercial waste pick-up in relation to proximity to residential area.—**(SPONSORED BY MR. COHEN AND MR. RICCIARDI)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? And, I am sure on 2253 there will be some discussion. Who is going first? Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. Back to the trash hauling legislation. I would like to make an amendment to that legislation, and if I have a second, then we can discuss it, please.

MR. O'CONNOR seconded the discussion.

The Chair:

It has been seconded. Discussion.

Mr. Cohen:

Thank you, Mr. President. This bill has been considered now for several weeks. I appreciate Councilmembers all considering it in the right spirit and that is to try to come up with a bill that will protect residents who have been awakened early in the morning by trash haulers, but at the same time not to undermine especially the neighborhood business districts that are right next to residential zones.

What this amendment does is, first of all, it describes all of the residential zones. And, that was Councilman Hertzberg's request and I certainly agree with that request, in the interest of clarity, to lay out all of the residential zones, so you can see every "R" zone, from "R-1" to "R-P", and I think we have included all of them. If anybody knows of any other residential zones that are included in here, please let us know.

Secondly, it takes out the section that says, "in or within 100 feet of a residential district". Given that this bill has been recommitted twice, it was clear that there were divided opinions on this bill. Also, I spoke to many merchants in neighborhood commercial districts who said that that hundred feet provision would impair their ability to get deliveries. So, I think this amendment should achieve the consensus on Council that we need to get this passed and at the same time not undermine any neighborhood commercial district.

The important thing though is that we keep the core of the bill and the core of the bill is to prohibit trash haulers from awakening people who live in residential areas and, of course, that is where most people live. We sent a strong message to the trash haulers that they should not give residents a loud metal alarm at 3 o'clock in the morning and that continues with this bill.

I want to thank Councilman Ricciardi for co-sponsoring this bill with me, and thank all of the residents who contacted all Council offices, especially

my office, to tell us about the problems that they have been having. I also want to thank the trash haulers for working with me to tell me how this would affect them.

Let me make this clear, that this amendment I am introducing today for the reasons that I stated, however, if complaints go up and we hear that trash haulers are awakening people outside of residential zones, early in the morning, then I will re-introduce this amendment, the hundred feet provision. So, I am happy to go ahead now and get this bill passed and do it in a way that sends a strong message. If the complaints go up though, we are going to come back to the table. So, thank you.

The Chair:

Thank you, Mr. Cohen. On the amendment, Mr. Ricciardi.

Mr. Ricciardi:

Thank you. In spirit of cooperation with the amendment, colleagues, and also the trash haulers, I am going to be supporting the amendment today, keeping in mind, it does not list an "A-1" zone. We all know the classification of "A-1" is a nice mix of residential and commercial interest living and working together, which means the Carson Street corridor would not be covered by the amendment; however, since we have really initiated the legislation, the complaints have really died down to zero because the trash haulers on their own have been very cognizant and very aware of the neighbors that are either living on second and third floors of business establishments on Carson Street or abutting that district. So, sometimes I would rather do things through that type of means, working together cooperatively than in legislation. So, I am going to be supporting this today. If, however, that changes in the future, I would have to come back and amend the legislation to include "A-1", but right now there is no need to. So, I will be supporting it. Thank you.

The Chair:

Thank you, Mr. Ricciardi. Further discussion on the amendment? Roll call vote on the amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

The bill is amended. On Bill 2253, this bill, or other bills, is there any other discussion? Mr. Cohen.

Mr. Cohen:

Comments brought forward, Mr. President, please on Bill 2269.

(REMARKS - SEE ADDENDUM)

The Chair:

Other discussion? Councilman O'Connor.

Mr. O'Connor:

Briefly. I would like to commend Mr. Cohen and Mr. Ricciardi on this bill. I think it really protects the neighbors and it also helps the business district to do business and does not harm the neighborhoods. And, probably one of the best things that came out of it, I think they got the attention of the trash haulers. So, there are complaints that I am sure they are going to react a lot better than maybe they have in the past.

The Chair:

Thank you very much. Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called, all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2359

Report of the Committee on Planning, Zoning and Land Use for August 2, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2277

A Resolution entitled, "Resolution approving a conditional use under Section 993.01(a)A(52)of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to Virginia Devlin for authorization to convert an existing three-story structure into a bed and breakfast facility with four guest rooms located at 438 South Atlantic Avenue, with parking to accommodate six automobiles, on property zoned "R3" Multiple-Family Residence District, 8th Ward.--- **(COUNCIL DISTRICT NO. 8)"**

Which was read.

Also,

Bill No. 2311

A Resolution entitled, "Resolution further amending Resolution No. 211, approved March 30, 1995, entitled: 'Resolution providing for an agreement or agreements with various community organizations for operational, administrative expenses, maintenance, purchase of equipment and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $123,750.00, chargeable to and payable from C.A. 1103 (110304), Miscellaneous Services, Department of

City Planning,' by changing "Three-Five Community Advocates" to "Hill CDC, (Three-Five Community Advocates)".— **(SPONSORED BY COUNCILMAN SALA UDIN)"**

Which was read.

Also,

Bill No. 2312

A Resolution entitled, "Resolution amending Resolution No. 1029 of November 1, 1985, entitled, 'Resolution providing for an agreement or agreements with a consultant or consultants to undertake a study of the existing condition of various components of the City's infrastructure stock, and the cost to repair these facilities. The study will involved, but not be limited to an analysis of specific walls, roads, swimming pools and police, fire and EMS stations that are in need of repair,' by providing for the partial front funding of said project."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MS. McDONALD PRESENTED

Bill No. 2360

Report of the Committee on Housing, Economic Development and Promotion for August 2, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.
Also, with an affirmative recommendation,
Bill No. 2291

A Resolution entitled, "Resolution amending Resolution No. 373, effective May 26, 1995, entitled, 'Resolution providing for an agreement(s) and contract(s) with consultant(s) and vendor(s) to assist the City in improving its Citizen Participation Process,' by decreasing the amount from $150,000.00 to $125,000.00."

Which was read.

Also,

Bill No. 2292

A Resolution entitled, "Resolution amending Resolution No. 322, effective May 16, 1994, entitled, 'Resolution providing for the execution of a

Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1994-1995 Community Development Block Grant Program,' by decreasing a line item and the total cost by $100,000.00.—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2293

A Resolution entitled, "Resolution amending Resolution No. 149, effective March 8, 1994, as amended by Resolution No. 277, effective May 3, 1994, entitled, 'Providing for the filing of a Community Development Statement by the City of Pittsburgh HUD for a grant in connection with the 1994 CDBG Program' so as to decrease a line item in the URA and increase a line item in the Department of Personnel and Civil Service, in the amount of $100,000.00."

Which was read.

Also,

Bill No. 2294

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property in the 26th Ward of the City of Pittsburgh being designated as Block 46-J, Lot 223 – Pittsburgh Housing Construction Fund.—**(MS. McDONALD AND MR. HERTZBERG)**"
Which was read.

Also,

Bill No. 2295

A Resolution entitled, "Resolution approving sale of land by URA to Perry Hilltop Association for Successful Enterprises, Inc., for Block 46-J, Lot 223 in the 26th Ward of the City of Pittsburgh (sideyard).—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2296

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the North Shore Redevelopment Project providing for the conveyance of City-owned property, the construction of certain public improvements, including a park, the dedication of the park to the City, the vacation of streets and the abandonment of water and sewer lines, all in accordance with the North Shore Proposal and Modification No. 6 to the Redevelopment Area Plan, and the Indemnification of URA.—**(MS. McDONALD AND MR. HERTZBERG)**":

Which was read.

Also,

Bill No. 2297

A Resolution entitled, "Resolution providing for the conveyance of certain property in the 23rd Ward of the City of Pittsburgh to the Urban Redevelopment

Authority of Pittsburgh for the sum of $1.00.—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2298

A Resolution entitled, "Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Lincoln at North Shore L. P. for the sale of Parcel 19 in the 23rd Ward of the City of Pittsburgh for $600,000. - Redevelopment Area No. 39 (residential construction).—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2299

A Resolution entitled, "Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and William Square Associates for the sale of Parcel 67A in the 3rd Ward of the City of Pittsburgh for $9,450.00, Redevelopment Area No. 32 (office building construction).—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2300

A Resolution entitled, "Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Regional Industrial Development Corp. of Southwestern PA for the sale of Part of Parcel 1, Subdistrict 2 West, in the 4th Ward of the City of Pittsburgh for $200,000/acre - Redevelopment Area No. 50 (construction of office building).—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2332

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of URA as the City's agent for acquisition of certain property owned by the Sheraden Youth Center Committee. Cost not to exceed $6,000.00.—**(SPONSORED BY MR. HERTZBERG)—(MR. HERTZBERG AND MS. McDONALD)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilwoman McDonald.

Ms. McDonald:

Yes. Concerning Bill 2293. Last week, because I had walked in a few minutes late, I got on the tail end of this discussion of this bill. But, I wanted to commend the Mayor, after all the discussion about the sideyard program, for

at least taking the advice of Council and allocating more monies to youth employment, particularly for the summer, it is definitely needed. And, next year we are going to face a tough time, I do not even look forward to budgetary times. I do believe this is a good move and shows the public good faith efforts, that we are concerned about employment throughout the City and our youth, to make sure that they are busy. Thank you.

The Chair:

Thank you. Just on that one bill -- and thank you for you comments -- I would strongly urge the Administration, the one gentleman right now that works in Public Works, who unfortunately only works about six months a year in an as needed capacity, doing the graffiti removal, he is a very talented and hard working individual, I would hope that, in light of the use of the JTPA monies and the Block Grant monies for -- I think it is five or six young people that would work year long on graffiti removal, there needs to be a top person helping to coordinate that whole effort, and I can think of no better individual than the current as needed City employee that has been doing it. I would urge that the Administration, as part of that linkage, create a full-time position year long for that individual. I would hope they would take that under advisement and also we will come budget time.

Other discussion on any other bill? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 2361

Report of the Committee on Lands, Buildings and Procurement for August 2, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2333

A Resolution entitled, "Resolution providing for the use of new and/or existing agreement(s) and/or contract(s) for energy management services, at a cost not to exceed $150,000.00, chargeable to and payable from General Service Code Account 1128, Miscellaneous Services."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2362

Report of the Committee on Parks, Recreation and Youth Policy for August 2, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2290

An Ordinance entitled, "An Ordinance repealing Title Four, Article XI, Parks and Playgrounds, Section 473.06, Solicitation, Merchandising, Advertising and Signs.—**(SPONSORED BY MR. HERTZBERG AND MR. FERLO)**"

Which was read.

Also,

Bill No. 2329

A Resolution entitled, "Resolution providing for the rental of one (1) charter bus for residents of the City of Pittsburgh to travel to Washington, D. C., on August 3, 1995, to lobby the President and congress to restore federal funding for the Saw Mill Run and West End Flood Control Project, at a cost not to exceed $1,000.00, payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, City Council.—**(MR. COHEN AND MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Cusick.

Mr. Cusick:

On Bill 2329, I would like to make a motion to suspend the Rules so that I may make a verbal amendment.

MR. COHEN seconded the motion.

The Chair:

Seconded. It is a correction on that bill. All in favor of the suspension of the Rules?

WHICH MOTION PREVAILED.

The Chair:

And, on the proposed amendment.

Mr. Cusick:

As you know, we have already taken this bus trip, and the Overbrook Community Council did put the 900 and some odd dollars up for the rental of the bus. I would just like to add that reimbursement be made to the Overbrook Community Council.

MR. COHEN seconded the motion.

The Chair:

This specific amendment is to put in the wording, specifically to the Overbrook Community Council in that aggregate figure. It has been seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

On the other bill, other discussion?

Mr. Cusick:

Mr. President.

The Chair:

Councilman Cusick.

Mr. Cusick:

I would just like to thank Council for providing us with a bus to go up and lobby Congress and the Administration on a very important issue in regards to flood control projects, in the Saw Mill Run and West End project specifically. I think for the most part it was a successful trip. We were able to talk to the Administration and to Congressman Bill Coyne's Office and himself.. The House is taking action, it is now in the Senate's hand. We are hoping that the Senate will see fit to do the same, and that it will be implemented by the Administration. We still do have some work. I, and I know that there are others that will be watching a close eye in regards to this line item. And, I would just like to thank, not only Council but the Overbrook Community Council for putting this altogether and allowing me to participate and my colleague Councilman Cohen. It was overall a great day.

The Chair:

Thank you very much. Other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Committee on Public Safety Services, Councilman Cohen.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

Bill No. 2363

Report of the Committee on Public Safety Services for August 2, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2330

A Resolution entitled, "Resolution authorizing and directing the City Controller to create a special trust fund to be designated as the Federal Task Force Trust Fund (FTFTF) for the deposit of monies from various sources, including grants, for the operation of the Weed and Seed Federal Task Force Program and authorizing the use of monies deposited into said trust fund to cover any and all eligible expenses for the development and operation of the Federal Task Force Program."

Which was read.

Mr. Cohen:

Mr. President, we already voted on this bill to be recommitted, so whatever your pleasure. That is that Imprest Fund.

The Chair:

Bill No. 2330 is recommitted. Very good. Thank you. Those bills regarding the Imprest Fund have been recommitted until September.

The Chair:

Committee on Engineering and Construction, Councilman Cusick.

Mr. Cusick:

Mr. President.

The Chair:

Thank you, Mr. Cusick.

MR. CUSICK PRESENTED

Bill No. 2364

Report of the Committee on Engineering and Construction for August 2, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2289

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the George A. Roberts Hall, located on

Carnegie Mellon University's Campus, 200' ± East of Boundary Street in 750' ± South of Forbes Avenue in the 14th Ward of the City of Pittsburgh. (Revision of said property.)"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees. I do want to remind my colleagues, we have a very brief Executive Meeting Session regarding the Law Department expenditure on the bill that Mr. Ricciardi and others had questions about, immediately following this meeting in the conference room, it should be a brief meeting. I would ask the Solicitor and the Law Department representatives to please come up to the 5th Floor so we can get that meeting underway.

I do want to make note that we will not meet again until Thursday, September 7th, at 10 a.m., as a Legislative body, and the Standing Committees Meeting will also be that same day at 1:30 in the afternoon, chaired by Mr. Onorato, Finance Chairman.

Are there any other matters to be brought before the body? I do want to point out to the Tribune Review, who ran an article last week somehow implying that we now have a four week vacation and we are leaving town, not worrying about the budget, please let's correct this notion. I kind of got resentful about the article, as well as the headline, I thought it was more like the National Inquirer than the Tribune Review. City Council as a Legislative body stands in recess for the next three and a half to four weeks. That does not mean we have a four week vacation. We are in recess and we do not meet formally as a Legislative body. Whether or not I or other Councilmembers will actually have some time or take some time to do a vacation, is not the issue. I just want to correct the misimpression that the Tribune Review created in that headline. We are in recess. We are not taking a four week vacation.

And, secondly, the notion that somehow none of us are worried about the budget. Just because I do not have a Press Conference or declare to the Tribune Review that I do not have a comment regarding a task force that is meeting with

the Mayor on the budget, does not mean that either myself or other colleagues do not care or are not concerned about the budget. That just is not the case. I would ask the Tribune Review to be a little more principled in the way they phrase their front page articles about the activities of Council. I am very proud of this Legislative body. This is the most open, participatory Legislative body in the Commonwealth of Pennsylvania. We conduct more formal and informal meetings as a Legislative body than any other legislative group in the Commonwealth, any group of individuals, including an individual who has some disenchantment with City Government, has a right to a formal public hearing in these Chambers. We meet more as an effort regarding the budget than any other body, certainly much more than the State Legislature, who at least half the body didn't even see the budget ten hours before they voted on it.

So, again, we are a highly participatory Democratic body. There are no secrets on Grant Street, everything is an open book, thanks to the media, and let's keep it that way, but, let's have a little more truth in advertising with the Tribune and others. We are proud to have a Legislative body that is very open, very participatory and we want to keep it that way.

With that, are there any other matters to be brought before the body?

I joked to one of the reporters, Mr. Mamula, from the Tribune Review that I was wondering if the "Trib" wanted to report on the news or make the news. I hope the reporters want to help report on the news and not engage in making the news. Leave that to us.

With that, we are going to stand in recess. We formally ask for an adjournment of this meeting, and to excuse the absent Member.

MR. UDIN moved to excuse Mr. Onorato for absence from the Meeting.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. UDIN moved to approve the Minutes of Tuesday, July 18, 1995.

MR. COHEN seconded the motion.

Which motion prevailed.

And on the motion of **MR. UDIN**

Council adjourned.

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 2269, WEDNESDAY, AUGUST 2, 1995)

Mr. Cohen:

I also want to thank Director Kraszewski for this letter because this clarifies a lot of things that we wanted to have last week.

I spoke in favor of this last week just because I believe that we need to expand our economic development on a regional basis as long as it didn't negatively impact the city and what you have laid out here is that this increase will have no negative impact to the city. The increase capacity is 1/100 of a percent obviously a much smaller amount than would have any kind of significant impact and the revenue that we are getting so I think this is a win-win. It's a win for the City of Pittsburgh residents but it's also a win for the region and we have to look at this regionally because if we are able to make this kind of expansion within our region then ultimately it does help the city so thank you for this letter.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA.
STENOTYPE REPORTER

(BEGINNING - MS. MCDONALD'S COMMENTS ON BILL NO. 2307, WEDNESDAY, AUGUST 2, 1995)

Ms. McDonald:

Discussion. Item A, there are five properties in Brycelyn Street and my understanding is that these properties are being purchased to build a home. Are these adjacent?

Ms. Tenenbaum:

There are three lots adjacent, there is one lot in between these that we are not selling, we don't own it and there are two lots on the other side of that. The purchaser is well aware of that and we have talked to her on several occasions and she understands that the five lots are not contiguous.

Ms. McDonald:

What is the purpose because my notes are that this is to build a home and if the lots are not contiguous then what kind of home is this?

Ms. Tenenbaum:

The three lots that are contiguous would be large enough to construct on. The one that is in the middle is tax delinquent and it appears as though it has been abandoned for many, many years and if we do acquire it via treasurer's sale then she would be entrusted in starting a sale on that one also.

Mr. Udin:

It has to be a really big house.

Ms. Tenenbaum:

Well I think just because the five lots are there she expressed an interest in all five of them. I don't think she's planning on constructing that size of a house though.

Ms. McDonald:

What guarantees do we have that it will be a single-family dwelling? Because when you gobble up a lot of property and this is a prospective buyer from out of town, the name I don't know -- again I'm a little bit hesitant on asking my colleagues to approve this because in this area I don't see this happening. I see a home but not a mansion; not here. So I need to know what oversight powers does the City have to ensure that this will indeed be a single-family residence for this woman. That it will not be multiple family or some type of group home or

residential home. I want to know what can the City do to ensure that this will indeed be a single-family residence.

Ms. Tenenbaum:

All of our properties are sold subject to the existing zoning. These properties are zoned "R2" (residential two family) so conceivably it could be a two-family home on these lots. The minimum building size for a single-family lot is 5,000 square feet. The three lots that are contiguous 7500 square feet, the two that are contiguous would be 5,000 square feet. In order to put commercial or anything other than a residential it would need to go before the Zoning Board.

Ms. McDonald:

When you say that, I need to know would this also fall under an "R2"? Like a residential facility, somewhere where there some social programming.

Ms. Tenenbaum:

I would need to look into that.

Ms. McDonald:

Then I would like to hold off because I really do need to know what's going on here. These are a lot of properties and they're not contiguous and of course residents probably are not aware.

The Chair:

Why don't I have a motion to delete Item A?

Ms. McDonald:

Motion to delete Item A.

The Chair:

All in favor? Opposed? The ayes have it. Now on the bill as amended, all in favor? Opposed? The ayes have it.

We move to Finance on the supplement, Page One.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MS. MCDONALD'S COMMENTS ON BILL NO. 2338, WEDNESDAY, AUGUST 2, 1995)

Ms. McDonald:

Is there anybody here to discuss this amendment?

As I read the amendment my concern is not for the disabled, it's not for people who are 65 years of age or older. My concern is the clause that says certain widows, and by definition, a widow or widower who is at least 50 years of age and has not remarried. Right now I cannot support this because to me anyone that gets a property tax relief is one that is clearly of financial destitution of some kind. There has been some hit upon them financially whether they no longer work or they are collecting a pension and they are just on social security. This was the intent of property tax relief but technically there are many widows or widowers who are 50 years of age who do not have hardship cases and my feeling is that even though emotionally and politically this may sound callous but the bottom line is there are widows and widowers who are the single soul source of income in the house, emotionally they are hurt but financially they are not and I don't see how just saying because you've lost a spouse -- it doesn't take into account who was the income earner, was there one earner, has this person been separated from their spouse prior to the death amongst the spouse? Again, it's too vague.

Mr. Hennigan:

I understand. The original criteria to be eligible for the program still applies and that is that the income, the household family income must be less than $20,000.00.

Ms. McDonald:

There are financial stipulations on who qualifies.

Mr. Hennigan:

All we are doing is we had come to Council a number of months ago requesting authorization to proceed with the original program and what this is doing is expanding the group that is eligible so all of the original criteria are still in effect and that is the total household family income is less than $20,000.00, it's your primary residence and you have lived there for ten years.

Ms. McDonald:

Is there an age requirement?

Mr. Fees:

Sixty-five.

Ms. McDonald:

So it was 65 and $20,000.00 or less having lived in your home a certain number of years.

Mr. Hennigan:

That still applies.

The Chair:

Other discussion?

(END OF COMMENTS).
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Thursday, September 7 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative will now come to order.

Good morning, everyone. Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased and honored to have a young man here today, Jimmy Wissman. Jimmy, do you want to come forward. Jimmy is going to lead us in the Pledge of Allegiance. He is in Councilman Bob O'Connor's District. His dad is here, Jim, Sr., and he goes to Edgewood Primary School. He is in the 3rd Grade and he is eight years old. Jimmy, you are going to lead us in the Pledge. Thank you.

Jimmy Wissman:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you, Jim. I appreciate you being down here today and your family. Our City Clerk would like to give you the flag of our City and the flag of our great nation.

We are very honored and pleased also to have Mayor Tom Murphy here today, who is going to assist us right now with giving out some very important awards to some very important people that worked very diligently on the success of Project Safe Summer. And, I am going to ask the Mayor to join me down here, along with Councilman Cusick.

And first, I would like to kick this off by showing the following tape, which was one of the educational activities during June 17ths Project Safe Summer

Helmet Distribution Day at 43 locations all around the City of Pittsburgh. So, at this time if you pay attention to the monitor. And, we want to thank Allegheny General Hospital also for this.

(Videotape Presentation shown.)

The Chair:

Since we do not have any formal votes today, we want to bring up all the folks from the Project Safe Summer. So, if all of you come forward and receive a formal award from the Mayor. Councilman Cusick will help. Please come forward. We have individuals here from many of the corporations and foundations and individuals, along with some of the businesses, Three Rivers Coin, that contributed a major amount of money. We would like you all to come forward. As well, I see Gerri Coffey, Mark, our Shadyskates friends and others. Many of you represent front-line individuals that helped to coordinate activities that day and we want you also to come forward and we will try to move through this.

I just want to summarize very quickly. This project, which basically in a nutshell, was the education of thousands of children, ages 12 and under, on June 17th, at some 43 locations throughout the City of Pittsburgh, with the support of our professional personnel, our paramedics, our firefighters, our COP Officers, our General Services Department staff, Director Miskovich is here, as well as a lot of volunteers, some 11,000 young people, not only were fitted and received a free bike safety helmet, but more importantly, or at least equally important, they received a six-step educational training protocol, of which one step was watching the videotape. I want to thank Allegheny General Hospital, who with their in-kind support, at least $10,000.00, produced this video, as well as produced this poster, "Helmets, all the pros wear them," and you see our own Public Safety personnel in the poster. This poster was distributed that day and is being distributed throughout the City as we speak to schools and other educational facilities.

We raised approximately $67,500.00 in cash donations from some of the folks that are here today. We are here to say thank you. We still have about $3,000.00 to raise, but I know if I got them up here again and gave them a plaque, I could hit them up for just a few more. And, I know Pittsburgh Foundation is considering the request to finish out the balance.

But, this project could not have been helpful – or could not have been successful without initially getting support from Mayor Murphy and my colleagues here today on City Council, who agreed up front in the principle and believed that this project would be successful and agreed at least to let me beg, borrow and steal some money from the City up-fronting the cost of the helmets.

I want to thank Children's Hospital, who is here today also, as well as Allegheny General Hospital. Both of these institutions were major backers and helpful in coordinating this event. And, Children's Hospital acted as the conduit for all the contributions. And, I want to thank Lisa Giorgetti, specifically. Pat Quirk and others here today will also receive award.

At this time I would like to have Mayor Murphy come forward and I have asked him to read down the first 22 major contributors and present the plaque to them. If the Mayor calls your name, please come up. And, we are going to start here, go down, start here and go down. Mayor.

Mayor Murphy:

Let me just take a moment. I'll know Jim Ferlo 50 years and I will never understand how he thinks. What got in his head to want to do this and to become an absolute pest about it, I don't know, but he did and we are all here because of him and his leadership. He deserves a big round of applause I think.

The Chair:

Thank you.

Mayor Murphy:

This is one of those things that is a great idea and nobody ever gets around to doing. He for some reason decided to get around to doing it, brought up all together and it is happening, and a lot of young children are going to be in better shape when they have their accidents because they are wearing helmets. So, thanks, Jim, for your leadership.

Without further comment, let me read down the people that made it really happen by contributing money. And, at the top of the list is the Heinz Family Foundation, and Russ Smarts is here. Are they here?

The Chair:

If they are not here, we are going to move right along.

Mayor Murphy:

Blue Cross/Blue Shield, Jack Shaw.

The Chair:

If you want to just come forward because we are going to move this along.

I want to say that the Heinz Family Foundation kicked off with a $10,000.00 foundation grant, and we are very appreciative of the $5,000.00 from Blue Cross/Blue Shield.

Mayor Murphy:

The Buhl Foundation, Linda Weaver. Aetna Health Plan. Linda, thank you. Edward J. DeBartolo, Jr. Bob McGurk I know is here. Bob. Thank you for your support, $5,000.00 contribution. Bill Curtin, Three Rivers Coin, and John "Duffy" Conley, Three Rivers Coin. Audrey, thank you very much. Forest City Development Corporation. They are not here. HealthAmerica, a $2500.00 contribution. Jewish Healthcare Foundation, Ken Segel. Ken, thank you. Integra Bank, Don Reed. PACE. Karen Farmer-White. Thank you, Karen. Thank you. St. Francis Medical Center. Mellon Bank, Jim McDonald. Thank you very much. TCI, Shawn McGorry. Thanks, Shawn, for your support.

The Chair:

Usually we beat up on Shawn. Thank you very much.

Mayor Murphy:

Thank you. Shadyside Hospital. Wendy. Thank you. The Buncher Company, Herb Green. I didn't see him. H. J. Heinz Company. PPG Industries Foundations, Roslyn Rosenblatt. PNC Bank Corporation. Didn't see them. University of Pittsburgh Medical Center. Donna Parkinson. Thank you. Bob Mistick, Mistick Construction. And, WPW Bicycle Club, Mark Reisman. Thanks, Mark. Thank you. Thanks a lot.

The Chair:

Going down the list here. By the way, I know people gave me an applaud, but I could not do this without my staff, specifically Craig Straw, who is over there, who does all the work. Gerri Hunter and Paul Girdany also.

We got a contribution from the Allegheny County Medical Society. They could not be here today. We will get them their plaque. And, we got a contribution from the International Brotherhood of Electrical Workers. I do not know if Denny is here today. We want to thank you very much for your contributions and your support. Thank you so much. The Donald and Sylvia Robinson Foundation gave us a grant, another foundation contribution. I do not know if anybody is here from them, but we thank you. Rehabilitation Institute of Pittsburgh. I do not know if Mark O'Donnell is here. We want to thank you very much for contribution. The Pittsburgh/Mercy Health System. Michelle, I do not know if you are here today. Moving right along. Allegheny General Hospital. I know Dr. Hirsh is here. I do not know if -- Mercy. We do have a Mercy representative. Very good. If you want to -- is this a picture from your folks? Well, we are not sure. Some of you have newsletters and I want to make sure you get your shot here.

From Allegheny General Hospital, you saw one of the movie stars in the video here, Dr. Hirsh. And, Pam. I do not know if Pam is here today from the P. R. Department? No. I want to let Dr. Hirsh say a few words, because Allegheny General is a significant contributor to this project, and I just want to ask him to highlight something else that he is doing on behalf of the community and the hospital in an ongoing way that we also in City Government would like to be supported. Dr. Hirsh.

Dr. Hirsh:

Thank you, Jim. I just wanted to echo everybody's sentiments that this kind of a coalition that Council President Ferlo has put together is a unique occurrence I think in this or any other City, and I have been very involved in safety issues all over the country. We recently presented some of the preliminary works that we did with Project Safe Summer at a Region Three Meeting for the National Highway Transportation Safety Administration in Baltimore, and there are at least 25 other cities that are interested in trying to duplicate Jim Ferlo's efforts and I think the real challenge is finding another Jim Ferlo in any one of these other cities.

So, I again would like a round of applause for Jim for his work.

I am hoping that if we have a Project Safe Summer for 1996, that we will be back to talk a little bit about a staging area for it that is going to be built at Pittsburgh Children's Museum, called "Safety City," and you will be hearing more about that, but I think it is going to be an interactive exhibit that is going to be a real example for the whole country as to how to educate our kids and our families to keep each other safe. So, thanks for the opportunity and participating with us.

The Chair:

Thank you, Dr. Hirsh.

Again, I want to thank Allegheny General Hospital. I know they spent well over $10,000.00 with the production of this color poster. I see Pam back there. And also, the video, which Pam worked on, and I think it is one very effective educational video, and we are getting -- trying to get permission to show it at schools and use it in the future for educational outreach.

I want to thank also Children's Hospitals, who, from a coordination point of view, I could not have raised the money, quite frankly, without having a non-profit institution with the kind of integrity and name recognition and professional background that Children's has. And, I know Patrick Quirk is here today. Where is Pat at? Pat, we want to give you an award for Lisa and the administration at Children's Hospital. And, thank you so much. And also, at some point you are going to get one, too, and I do not know if it is up here now. But, Pat also was a day coordinator. He helped to coordinate one of the outreach centers. And, Pat, we also want you to get an award personally for your dedication and commitment. And, Pat was helpful in helping us design the six-step educational protocol, and he really hammered away. So, again, this was a coalition effort, and we want to thank Children's Hospital, Patrick, Ms. Giorgetti and others, very, very much, as well as my own constituent, Dr. Gaffney, from Highland Park.

At this time I would like to see if there are any representatives from the Allegheny County Health Department. Dr. Bruce Dixon, I know is the head of it. We had Mary Jones and Rosemary. And, your name, sir?

Mr. Vukotich:

Chuck Vukotich.

The Chair:

Chuck, thanks so much for coming down here. The Health Department heads up the Safe Kids Coalition, which is an ongoing group, and we want to thank them.

I do not know if Diane Cridland is here from KDKA Radio? It is hard to see everybody here. KDKA Radio agreed to be one of the sponsors and we want to thank them for helping us to promote the event through their public service initiative.

We have an award here again for all of Council which is coming, but we do have one plaque here for our great Mayor Tom Murphy, and we want to present it to him and we want to thank the Mayor again for having enough faith and trust

– and I do not know if he has already ducked out because he has been meeting with the Pirates this morning. Well, we are going to make sure the Mayor gets his plaque.

And, also a great individual, who is never short on words, and that is our own Director of General Services, Director Miskovich. Her department I drove nuts in helping to get the procurement and delivery and distribution of the helmets. I want to thank you and all your staff, from Mike and Dale and Jeff Horan and everybody else. And, thank you. We could not have done this without you, but thank you.

Dir. Miskovich:

The next time you run one of our videos, show the credits.

The Chair:

Very good. And again, we want to thank the Cable staff, who came out that day and did some shooting and then played an ongoing news item. So, again, we want to thank the Cable staff also in General Services.

I am going to let Joey take over here with our own Chief Kennedy and a few of the others and then I will come back up here. Councilman, we have the list right here.

Mr. Cusick:

Chief Robert Kennedy from EMS, and Pittsburgh Firefighters. I am sorry, Chief. Paramedics.

The Chair:

Close enough.

Mr. Cusick:

Thank you, Chief. Our Chief, Charlie Dickinson, from Pittsburgh Firefighters.

The Chair:

And, we are going to give it to Don Dorsey to deliver this.

Mr. Cusick:

Don.

The Chair:

And, his brother King is also in the audience, we want to thank him for his help.

Mr. Cusick:

Commander Regina McDonald, COP Program. We also have our President of the Pittsburgh Firefighters, Joe King, is with us. Don Dorsey from the Pittsburgh Firefighters, coordinated Troy Hill for us. Thank you. From Councilman Onorato's Office, Dorry Lang, did a lot of the coordinating in the North Side.

The Chair:

Coordinated one of the sites. She will get hers.

Mr. Cusick:

Carmen Pace, from the City Clerk's Office. Thank Carmen for all her hard work.

The Chair:

Carmen was a coordinator. Thanks, Carmen.

Mr. Cusick:

Carmen was one of our district coordinators. Ralph Rectenwald from Councilman Hertzberg's Office.

Mr. Hertzberg:

He is on vacation.

Mr. Cusick:

Bill Peduto from Councilman Coben's Office.

Mr. Peduto:

Thanks, Councilmen.

Mr. Cusick:

Bill coordinated the Boy's and Girl's Club. Jolene Edwards from Councilman Hertzberg's Office. Thank you, Jolene, for all your help. Stan Scalise from my office. Stan. Stan is working. Good. Stan. Amy Krut.

The Chair:

Ernie from Shadyside.

Mr. Cusick:

From Shadyside. Ernie Pearl from Shadyskates. Colleen McGuire from Pittsburgh Children's Museum. Kevin Braun. Kevin is from Safe Kids. Thank you, Kevin. Jack Hutchinson from Garfield Artworks. Gerri Coffey. Hi, Gerri. Thank you.

The Chair:

I wanted to have Gerri come up here on behalf of a lot of the volunteers, and maybe you could speak for all of them. She helped to coordinate one of the fire distribution sites up in Stanton Heights, it was at the fire station, and I think, she, speaking on behalf of Carmen and some of the others, can just kind of summarize what the experience was that day with the kids. Gerri.

Ms. Coffey:

Well, first of all, I speak for parents, grandparents, again, in thanking you for this project and Council. But, I just wanted to tell you how appreciative the parents were, and they did not come just to Stanton Heights because they live there, they came from all over, and they also thought this was a wonderful project and it was beneficial to the children, Dr. Hirsh, because they sat, they watched that video and they really understood it and learned something. And again, I think I speak for all of us when I say, thank you, Council, Mayor, Jim.

The Chair:

Thank you.

Mr. Cusick:

Kevin Quinlan. Is Kevin here? From the Housing Authority. Thanks for

all you help, Kevin. Alexis Papalia. Is Alexis here?

The Chair:

Walt is from Representative Pistella's Office.

Mr. Cusick:

From Representative Pistella's Office. Thanks, Alexis. Stephanie Halkias. Is Stephanie here?

The Chair:

Stephanie was one of the site coordinators and we want to thank her very much. Jan Pearson from Health Education Center. Hi, Jan. Thank you. Thank you very much.

I will let you finish these up. I just want to say, when Jim first came to me with the project and I was very grateful that he did and he allowed me to participate and help him raise some of the money, Jim really was committed to this, and still is. He has visited me at my house, has saw kids ride down the street without a helmet and asked me why they didn't have a helmet on, and will run out into the street -- or open his trunk and make sure that if he has one in there that he gives it to them. I have seen him do this in New York, I have seen him do it in Pittsburgh. So, it's no matter where Jim is, that is how committed he is to this project. Project Safe Summer was very successful. The enthusiasm that you see on the kids' face when they're riding the bike or they're on their skates is the same enthusiasm that we saw that day, when they were watching the tapes, when they were doing their drawings, they were very excited about the whole project and about receiving the helmet and making sure that they even wore the helmet properly. I think that it was just a great credit to Jim and everything he stands for. This entire project was just fabulous. Jim came and basically put his, I guess, house and everything he had on the line, not having a cent. He ordered the helmets not having a penny, and I, quite frankly, thought he was crazy when I saw the bill, 76 some odd thousand dollars, and he said -- I said, "Jim, well, where'd you get the money?" He said, "I don't have the money yet and I hope they don't take my house for this." But, he raised the money and it was a successful project. I think my Council colleagues will allow you to know how much gratitude we received but it was only because of Jim's effort that we received that gratitude, and I am very honored to just be here and be a part of it, and I thank you, Jim.

The Chair:

Thank you, Councilman. I appreciate it.

Unfortunately, when you are making about 58 plaques, like we did today, we came up short, and they are being made but they are not here. And, we have Tom here from -- the President of the Fraternal Association of Professional Paramedics. Tom Broderick. And, we want to thank the paramedics, their rank and file folks who worked in the coalition meetings and also help to coordinate their co-workers and colleagues that day throughout the City. So, we want to thank them and they have a plaque also. Bill Urbanic from Councilman Cusick's own office helped to coordinate the Carrick distribution site, and we are having that

made as we speak. And, Cathy Feeney also coordinated the Beechview site, St. Catherine's of Sienna, and we want to thank Cathy. And also, Don Brown from Martin Media, who is here today, we want to thank Martin Media always for their public service initiative and specifically Don Brown, who is always there out in the community when we need help. Our own City Clerk, Linda Johnson-Wasler, also gets a plaque, and she helped to coordinate a site on Lincoln Avenue, I believe, the fire station -- Lincoln-Lemington -- and I know Linda had her hands full that day. And, I want to thank again all my colleagues, I know many of you were out that day helping out, we very much appreciate it.

And, at this time I want to just close this out by trying to get us all to group together for a collective photo, if that is even possible. And, again, just reiterate my big thank you to all of you, especially not only for your financial support but more importantly, for your moral and body and soul support in helping to bring this project about and making it a success. So, again, a collective thank you from my colleagues on City Council. Councilman Onorato.

Mr. Onorato:

Obviously you received a lot of praise today and rightfully so. I want to echo one thing that Councilman Cusick said, if anyone gets a chance to look at Council Ferlo's trunk of his car, the supplies he has in there, it would make Walmart jealous.

I do want to say that I applaud him on this effort because of how it reached into every corner of the City, every little firehouse, EMS Station, or a community building that was involved. And, the one important thing that I liked about the entire program is that every penny that was either donated or it came through as public dollars, went to the helmets. There was no administrative expenses or money diverted to a different cause. Every penny went to the children on the streets, and that says a lot for the volunteer system that we had in place, and as you know there are hundreds of them not standing here today that also participated, and we thank everyone that came out that day or any day to make it a success.

And, once again, Council President Ferlo, congratulations.

The Chair:

Thank you very much. Thank you all. At this time I would like to get a collective photo, if that is even possible.

Mr. O'Connor:

Hey, Jim, can I borrow your trunk keys.

The Chair:

We're going to have to ask you to use the wide angle lens.

Thank you. Again, thank you, and I apologize to my colleagues for the extra time, but thank you very much.

PRESENTATIONS

The Chair:

I would like to know if there are any representatives from the Pittsburgh Community Reinvestment Group, PCRG? Are there any PCRG representatives? If not, I would like to ask the City Clerk to please read this into the record. And, if there is no objection, I would like to have this be on behalf of all of my colleagues, involving a very important advocacy issue, which I know we all support. One to be read into the record.

THE CHAIR PRESENTS

No. 2365 WHEREAS, the Pittsburgh Community Reinvestment Group (PCRG) is a consortium of 32 community-based organizations that represent 62 low and moderate income neighborhoods in the City of Pittsburgh; and,

WHEREAS, PCRG's mission is to work with financial institutions toward equal lending patterns and practices for all Pittsburgh neighborhoods; and,

WHEREAS, PCRG operates under the Community Reinvestment Act (CRA), which requires all federally chartered and insured financial institutions to meet the credit needs of the communities in which they receive their deposits; and,

WHEREAS, legislation has been introduced in the United States Senate and the United States House of Representatives, entitled the Financial Institutions Regulatory Relief Act of 1995; and,

WHEREAS, this legislation would create safe harbors for banks which would prohibit bank regulators from considering a bank's CRA performance rating when making decisions about a bank's application to expand, merge, or acquire another bank; and,

WHEREAS, this legislation would prohibit regulators form requiring banks to disclose where small business loans are made; and,

WHEREAS, in Pittsburgh alone, the CRA has been responsible for over $2.4 billion in reinvestment, increased lending to low and moderate income neighborhoods, and significantly improved lending rates to African Americans; and,

WHEREAS, the PCRG will be holding a public meeting on Thursday, September 7, 1995 at 6:00 p.m. in City Council Chambers to release the results of the 1994 Lending Study and to present information on the CRA.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Thursday, September 7, 1995 to be "CRA Day" in the City of Pittsburgh.

AND BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh encourages the businesses and residents of Pittsburgh to support community reinvestment through participation in "CRA Day" on Thursday, September 7, 1995, in City Council Chambers, at 6:00 p.m.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Again, this will be a public community meeting being held by Pittsburgh Community Reinvestment Group, part of the working group. As you know, the legislation helping to give protection of the Community Reinvestment Act is under attack by the Senate Banking Committee and Banking and Finance Committee in the Senate, there is very aggressive effort to kill the CRA basically, and that would be disastrous to urban areas, not only here in the City of Pittsburgh but throughout our nation. And, thanks to Director Lowe from the Housing Authority, who started working on the whole Community Reinvestment Act. Our own City Government, this Council twice, has voted on legislation involving where we invest our money, giving protection and criteria developed under the CRA Act. So, it is very important that we keep these Federal Legislation and Regulations in place.

The community meeting I think is to harken awareness and educate the public about what is being done possibly by the Senate Committee, and I know all my colleagues probably have received an invitation, and I thought it would be appropriate just to go on record again in support of the importance of the CRA Legislation.

Councilman Onorato.

Mr. Onorato:

I would just like to add, Mr. President, if anyone can make it tonight, I would urge you to be there, because we could disagree on Federal cuts back and forth at this table, but this one is so frustrating because it does not even involve Federal dollars, this is regulation just telling banks to do what is right, and that is to provide credit in all parts of the urban centers, and what history has proven, that the loans that have been made in the poor neighborhoods have been very good loans, they are not any higher default rates than any middle class neighborhood. It is money that should be put there, it is private dollars, not public dollars, and it would be a disaster for this City and all the cities if the CRA is repealed.

The Chair:

Thank you. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I also want to join in in saying that we need to fight these cuts in the CRA.

When I was in college I happen to intern with a member of Congress, who was very involved with putting together the Community Reinvestment Act. And, people don't remember, but the fight back in 1977 and 1978, was a huge fight and a fight to get the banks to invest in our neighborhoods, and for us now to turn back the clock to before 1977, would be terrible, it would be terrible for the country, it would be terrible for Pittsburgh. I think people do not realize, really through the efforts of Stanley Lowe and the PCRG, how much money has been invested in our neighborhoods because of the Community Reinvestment Act, it has been a silent but powerful tool and we need to do everything we can to stop this retrenchment from that bill.

The Chair:

Thank you. Again, when we were fighting Housing Mortgage Loans I the '60's, it was very frustrating because there was no CRA and there was no clear obligation on the part of the financial and the mortgage lending institutions in this City or anywhere to report actually publicly what their Mortgage Lending and Economic Development Investment and Housing Development Investment Loans were, we did not have that information. With the CRA we are able to actually quantify and see in writing what their lending and mortgage assistant patterns were, not only for housing and mortgages but also support for major housing and commercial economic development. It would be a disaster to lose that accountability and that reporting, but more importantly – and, again, these numbers don't lie, it is quantifiable -- there has been a significant, to the tune of millions of dollars, in this City alone, since the CRA Legislation and even more so, since our own City Government has been aggressive in our own banking of our financial resources by developing the criteria that we have under the CRA Bill of Particulars. So, it would be a tremendous loss to see this regulation repealed.

Councilman Udin.

Mr. Udin:

Yes, I also want to join in with my other colleagues in supporting the efforts of the members of the Pittsburgh CRA organization, they have done splendid work in rallying support.

I also think it is important that we send a strong message to the bankers who took over the Integra Bank system here in Pittsburgh. Integra Bank was an important member of the CRA efforts and made a substantial number of loans in minority neighborhoods. It is important that the new owners of that banking operation hear from us and hear that we need them to follow in the same footsteps with their new ownership. I also hope that we take a close look at the way the City banks its funds and make sure that we are being consistent with giving support to the banks who have a strong CRA record, in terms of where we decide to deposit City funds.

The Chair:

Thank you, Councilman. On your first suggestion, if there is no objection, I would like to suggest, based on Councilman Udin's comments, that we forward the proclamation, not only to the new Cleveland-based company, but to all the financial institutions in this City, that they know where we stand, that we've passed this proclamation and that we want their full commitment behind the CRA. So, I would like to offer that as a friendly amendment, based on the Councilman's suggestion.

MR. COHEN seconded the motion.

The Chair:

So, we will follow-up on that and we'll ask that all of my colleagues sign a letter.

All in favor of that amendment?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much.

At this time I would like to call on Councilwoman McDonald, who I believe has at least one proclamation.

Ms. McDonald:

It is to be read into the record, Mr. President.

The Chair:

Read and adopted.

MS. McDONALD PRESENTS

No. 2366 WHEREAS, on Saturday, August 19, 1995, friends and family from far and near will come together to pay tribute to Dr. William O. Generett who is retiring from his Private Obstetrics and Gynecology Practice; and,

WHEREAS, Dr. William O. Generett graduated from Morehouse College in Atlanta, Georgia, in 1969 with a Bachelor of Science Degree. He later attended the University of Pittsburgh School of Medicine and graduated in 1975. Dr. Generett served his residency in Obstetrics and Gynecology at Western Pennsylvania Hospital; and,

WHEREAS, Dr. William O. Generett married Mona Norman of Birmingham, Alabama and is the proud father of William Jr. and Brook; and,

WHEREAS, Dr. William O. Generett has been involved with many groups and organizations, including the Sickle Cell Society, Inc., Gateway Medical Association, Allegheny County OB/GYN Society, Sigma Pi Phi Fraternity, Chi Delta Mu and Kappa Alpha Psi Fraternity, just to name a few; and,

WHEREAS, Dr. William O. Generett has followed the high principles of Morehouse Men by seeking an active role in community. He describes himself as one who works for the cause rather than necessarily leading the organization.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh commends Dr. William O. Generett for his extraordinary service to his patients, community, and mankind; and,

BE IT FURTHER RESOLVED that the Council of City of Pittsburgh declares Saturday, August 19, 1995, as "Dr. William O. Generett Day" in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor, I believe you have one to be read into the record.

MR O'CONNOR PRESENTS

No. 2367 WHEREAS, on August 15, 1875 on Steuben Street in the West End of the City of Pittsburgh, Michael A.

Baker opened his bakery for business, delivering baked goods by horse and wagon to restaurants, stores and hotels, and as Michael Baker's seven sons joined their father in his work, they named the business the "Seven Baker Brothers"; and,

WHEREAS, in 1938 Michael's grandson Paul Baker continued his grandfather's tradition of excellence, and renamed the family business "Jenny Lee Bakery" and today, Jenny Lee Bakery is still owned and operated by descendants of the original "Bakers," Bernard and Scott Baker; and,

WHEREAS, the Jenny Lee Bakery has satisfied the Greater Pittsburgh area's love of high quality baked goods for over a century.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh congratulates the Baker family and the Jenny Lee Bakery family of employees on their One Hundred Twentieth Anniversary, and thanks the owners and employees of Jenny Lee Bakery for their service to this community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares August 15, 1995 as Jenny Lee Bakery Day in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato.

Mr. Onorato:

Mr. President, all three to be read into the record.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTS

No. 2368 WHEREAS, the 453rd AAA (AW) Unit is celebrating its 50th Reunion from September 1-3 at the Holiday Inn, South; and,

WHEREAS, the 453rd Coast Artillery Battalion was constituted May 9, 1942 in the Army of the United States; and,

WHEREAS, on August 1, 1942 the 453rd AAA (AW) Unit was activated at Fort Bliss, Texas and was redesignated the 453rd Antiaircraft Artillery Automatic Weapons Battalion on June 5, 1943; and,

WHEREAS, the unit was inactivated on January 26, 1946 at Camp Kilmer, New Jersey. It was allotted to the Organized Reserves and assigned to the Second Army; and,

WHEREAS, the Unit was again activated on September 22, 1948 with Headquarters located at Fort Myer, Virginia. It was inactivated on September 14, 1950; and,

WHEREAS, the Organized Reserve Corps was redesignated the Army Reserve in 1952 and the Unit was allotted

to the Army Reserve and assigned as an organic element of the 83rd Infantry Division; and,

WHEREAS, the Unit was activated on May 20, 1952 with Headquarters at Columbus Ohio. It was redesignated the 453rd Antiaircraft Artillery Battalion (Automatic Weapons) (Self-Propelled) on December 27, 1952. On February 23, 1955 the Headquarters was moved to Mansfield, Ohio; and,

WHEREAS, the 453rd AAA (AW) Unit's battle credits include, Normandy; Northern France; Ardennes; Rhineland; and Central Europe.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates the members of the 453rd AAA (AW) Battalion on its 50th Anniversary and thanks them for their courageous service and patriotism.

MR. ONORATO moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 2369 WHEREAS, Stephen M. Shortley was born on November 13, 1956. On September 8, 1994 at the age of 37, he was killed tragically in the crash of USAir Flight 427; and,

WHEREAS, today, September 8, 1995, on the anniversary of the crash, we gather to dedicate a memorial for the veterans who served in the Korean, Vietnam, and Persian Gulf Wars. This new Monument was originally envisioned by Steve because he wanted to see a lasting memorial for his fellow veterans. After Steve's death the Brighton Heights Citizen Federation was inspired to see this project to completion; and,

WHEREAS, Steve was a veteran of the United States Airforce where he served from 1974 to 1979 as a staff sergeant; and,

WHEREAS, he worked at Koppers Company as a telecommunications manager from 1978 to 1992 and for Ernst & Young as a consulting manager from 1992 to 1994; and,

WHEREAS, Steve, his wife of twenty years, Joanne, and their two children, Lisa and Daniel, resided in Brighton Heights from 1979 to 1993. Steve served as the Treasurer for the Brighton Heights Citizen Federation from 1987 to 1993; and,

WHEREAS, Steve helped to plan and coordinate the neighborhood Spring Festivals, Halloween Parades and volunteered his time as a Brighton Heights Little League umpire. Additionally, he served as a mayoral appointee to the Alcosan Board from 1991 to 1993 and represented the Brighton Heights community; and,

WHEREAS, in 1993 Steve was awarded the Outstanding Neighbor Award from the Northside Leadership Conference.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes the hard work, time, and dedication Stephen M.

Shortley devoted to others, especially those of the Brighton Heights Community throughout his lifetime.

FURTHER BE IT RESOLVED, that the Council of the City of Pittsburgh thanks the Shortley family and extends its sympathy. Steve truly was an outstanding community member, and a compassionate human being. His contributions, love, and presence are surely missed.

MR. ONORATO moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 2370 WHEREAS, this summer ten Northside teenagers completed a nine week Housing Internship with PHASE (Perry Hilltop Association for Successful Enterprise), a Northside community development organization;

WHEREAS, the 1995 PHASE Summer Housing Interns are:

Andre Ashby	Frank Boyd
Terrance Fearbry	Ryan Beatty
Russell Blackburn III	Lamar Primer
Delanea Walker	Noora Rodriguez
	Ed Suchacek

WHEREAS, the PHASE interns performed a variety of tasks related to housing and community development with the most notable accomplishment being the "dressing up" of abandoned properties that will soon be renovated by PHASE;

WHEREAS, the interns created and painted colorful window scenes on boarded up properties in the Perry Hilltop area to the delight of Perry Hilltop residents who are tired of the blight in their neighborhoods;

WHEREAS, the colorful paint jobs serve as a promise of coming renovation to the rundown properties;

WHEREAS, the interns built storage racks for PHASE properties and performed a variety of landscaping and renovation duties all over Perry Hilltop;

WHEREAS, the PHASE Housing interns also worked on marketing ideas for completed houses and decorated these houses in order to help generate interest in these ready-to-sell homes. The interns learned about the essential role affordable housing plays in the revitalization of urban communities;

WHEREAS, the PHASE Summer Housing Intern Program also provided the teenagers with a source of income for the Summer and enabled these young people to participate in productive activity in their neighborhood at the same time.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates both the staff and the Housing Interns of the Perry Hilltop Association for Successful Enterprise on the successful completion of the 1995 Housing Internship Project.

FURTHER BE IT RESOLVED, that Council along with the residents of the Perry Hilltop community commends the interns for all their hard work in helping to revitalize the Perry Hilltop neighborhood.

SPONSORED BY COUNCILMAN DAN ONORATO AND COUNCILMAN SALA UDIN

MR. ONORATO moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Councilman Ricciardi, you have some special guests in the audience.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

I see some of our marble champions here today.

Mr. Ricciardi:

I would like to ask Carol Simeone, the coach of the team, if she could bring up our honored guests today. Colleagues, our honorees are from the Lawrenceville neighborhood and the South Side neighborhood and the resolutions are sponsored by Council President Jim Ferlo and myself.

The Chair:

I would like you all to come forward.

Mr. Ricciardi:

We also have a few parents in the audience, and I invite you also to come forward. Mr. Dan LaGamba from Lawrenceville, and also Sonia Zlokas from the South Side.

Mr. Udin:

Are they taking on any challengers?

Mr. Ricciardi:

Maybe, Councilman Udin, later on on St. Michaels Street on the South Side. As a matter of fact, there is a court set up there, Councilman, and I want to invite you next week, honestly, and we will go and visit them.

Colleagues, I would like to read the first two paragraphs of each of the resolutions and then individualize the resolutions in the interest of time.

MR. RICCIARDI PRESENTS

No. 2371 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have produced 29 national champions over the years of competition; and,

WHEREAS, Danny LaGamba, 12, a Lawrenceville resident and seventh grade student at St. John Newman Grade School, in his second year of organized tournament competition, competed in the Allegheny County Marbles Tournament and qualified

for the trip to the National Marbles Tournament; and,

WHEREAS, Danny LaGamba shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Danny LaGamba for competing in the Allegheny County Marbles Tournament and winning a trip to the 72nd Annual National Marbles Tournament; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Thursday, September 7, 1995, "Danny LaGamba Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Danny, congratulations.

The Chair:

I think this is Danny's second time in Council Chambers in the last few months.

Mr. Ricciardi:

I believe it is.

And, our next honoree:

MR. RICCIARDI PRESENTS

No. 2372 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have produced 29 national champions over the years of competition; and,

WHEREAS, Justin Zlokas, 11, a South Side resident and sixth grade student at Prospect Middle School, in his fourth year of organized tournament competition, competed in the Allegheny County Marbles Tournament and qualified for the trip to the National Marbles Tournament; and,

WHEREAS, Justin Zlokas shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Justin Zlokas for competing in the Allegheny County Marbles Tournament and winning a trip to the 72nd Annual National Marbles Tournament; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Thursday, September 7, 1995, "Justin Zlokas Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Justin.

The Chair:

Congratulations.

Mr. Ricciardi:

Peter. We have a family well-represented from the South Side.

MR. RICCIARDI PRESENTS

No. 2373 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have produced 29 national champions over the years of competition; and,

WHEREAS, Peter Zlokas, 13, a South Side resident and eighth grade student at Greenway Middle School, in his fifth year of organized tournament competition, placed 2nd in the Allegheny County Marbles Tournament and qualified for the trip to the National Marbles Tournament; and,

WHEREAS, Peter Zlokas shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Peter Zlokas for placing 2nd in the Allegheny County Marbles Tournament and winning a trip to the 72nd Annual National Marbles Tournament; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Thursday, September 7,1995, "Peter Zlokas Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Congratulations. As you can see we were really well-represented in Wildwood, New Jersey.

Our next, Amelia Navarro. Amelia.

MR. RICCIARDI PRESENTS

No. 2374 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have produced 29 national champions over the years of competition; and,

WHEREAS, Amelia Navarro, 9, a South Side resident and fifth grade student at Phillips Elementary School, in her first year of organized tournament competition, placed 2nd in the Allegheny County Marbles Tournament and qualified for the trip to the National Marbles Tournament; and,

WHEREAS, Amelia Navarro shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Amelia Navarro for placing 2nd in the Allegheny County Marbles Tournament and winning a trip to the 72nd Annual National Marbles Tournament; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Thursday, September 7, 1995, "Amelia Navarro Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Congratulations, Amelia.

The Chair:

Congratulations.

Mr. Ricciardi:

Kenneth Shuttleworth is not with us today but I would like to read his name.

MR. RICCIARDI PRESENTS

No. 2375 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have

produced 29 national champions over the years of competition; and,

WHEREAS, Kenneth Shuttleworth, 12, a South Side resident and sixth grade student at Prince of Peace School, in his fourth year of organized tournament competition, placed 1st in the Allegheny County Marbles Tournament and qualified for the trip to the National Marbles Tournament; and,

WHEREAS, Kenneth Shuttleworth shot well at the National Marbles Tournament coming in sixth place and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Kenneth Shuttleworth for placing 1st in the Allegheny County Marbles Tournament and placing sixth at the 72nd Annual National Marbles Tournament; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Thursday, September 7, 1995, "Kenneth Shuttleworth Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Again, Kenneth is not with us today but we would like to congratulate him.

And, we also have with us the outright winner of a National Marbles Tournament. I would like to ask Stephanie if she would like to come forward, please.

MR. RICCIARDI PRESENTS

No. 2376 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have produced 29 national champions over the years of competition; and,

WHEREAS, Stephanie Zlokas, 14, a South Side resident who was in her final year of organized tournament competition, placed 1st in the Allegheny County Marbles Tournament; and,

WHEREAS, Stephanie Zlokas was victorious in the best-of-15 championship match by a score of eight games to five to become the 1995 National Marbles Tournament Champion where she competed against 25 other female shooters; and,

WHEREAS, Stephanie Zlokas has received a $2,000 college scholarship for her champion sharp shooting, a gold medal, other various prizes, and for two

years running, she has won the Stick Trophy for the most perfect games; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Stephanie Zlokas for her dedication and commitment to capture top honors in the 72nd annual National Marbles Tournament; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Thursday, September 7, 1995, "Stephanie Zlokas Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Congratulations.

At this time, Councilman Udin, I would like to check with your schedule and next week – no, no – next week I would like to go with you to St. Michael's Street and at Stephanie's convenience, maybe we could play a game. Are we on?

Mr. Udin:

Definitely.

Mr. Ricciardi:

Stephanie, are we okay?

Mr. O'Connor:

I'm betting on Stephanie.

The Chair:

You have to bend down for marbles, Councilman.

Mr. Ricciardi:

These young people really need to be congratulated, because it takes a lot of hard work, training, practice, to go this far, not only to do well in the Allegheny County Marbles Championship but also to win a trip to compete in the National Marbles Tournament.

And, I hope I am not making a mistake, but, Stephanie, you also – were you number one last year?

Stephanie Zlokas:

Second.

Mr. Ricciardi:

You were second last year. And, that is Stephanie's mom Sonia. So, congratulations on this.

But, it takes leadership, it takes commitment and it takes volunteers to bring new people to bring these people to give them not only a sense of discipline and a sense of good feeling about themselves but a direction, and because of that, we have people like Carol Simeone, who really has put on a lot of hours coaching them and has really followed in the footsteps of her father, her late father, Walt Lease. And, Carol, if you could come forward also.

MR. RICCIARDI PRESENTS

No. 2377 WHEREAS, the 72nd 1995 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey the week of June 18, 1995; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have produced 29 national champions over the years of competition; and,

WHEREAS, Carol Simeone, the coach of the marble team and daughter of the late Walt Lease who spent most of his adult life promoting, coaching, training and encouraging marbles as a competitive sport, dedicated her time to help improve and polish the skills of the young competitors; and,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Carol Simeone for her time and dedication coaching the Allegheny County Marbles Team and declares Thursday, September 7, 1995 "Carol Simeone Day" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Congratulations, Carol. I would like to ask Carol to say a few words, please.

Ms. Simeone:

I would like to thank Council for the award, but the credit really goes to these kids and their families and a lot to my father, and if it wasn't for the backing of Commissioner Forester, Flaherty and Dunn, these kids wouldn't even have the opportunity.

And, I would like to say, if we could get the County rings set up in the City recreation centers when they are not in use all during the winter, we could almost dominate the National Tournament. And, thank you.

Stephanie Zlokas:

I would like to thank you for giving me this award today, it means a lot, and shooting marbles is a lot, because Walt taught me that you can do anything that you want to do, and he encouraged me to shoot and Carolyn encouraged me to shoot, and that is the main reason I shot, because you can do anything you want to do.

Mr. Ricciardi:

Again, I think Stephanie's words really say a lot, especially when she thanks the passing of Walt Lease and the memory of Walt Lease and it really shows you how young people look up to adults and will remember adults for their fine works with them.

Again, thank you very much. Congratulations to all the City of Pittsburgh and in this case, especially to Lawrenceville and the South Side of the City. Thank you.

And I think that is true recognition for the City of Pittsburgh.

The Chair:

Thank you all. Congratulations.

I believe we have a resolution from Councilwoman McDonald and Councilman Udin, possibly to be read into the record.

MR. UDIN AND MS. McDONALD PRESENT

No. 2378 WHEREAS, Wesley Center A.M.E. Zion Church of Pittsburgh, Pennsylvania will host the 149th Annual Session of the Allegheny Conference in the City of Pittsburgh from October 17-22, 1995; and,

WHEREAS, all of the states belonging to the Third Episcopal District will be represented at the conference; and,

WHEREAS, Bishop Cecil Bishop, presiding Prelate of the Third Episcopal District A.M.E. Zion Church, will inspire attendees to continue striving for excellence in their lives; and,

WHEREAS, attendees will receive guidance through workshops, speakers, fellowship with one another and many other educational sessions; and,

WHEREAS, the African Methodist Episcopal Zion Church was founded in 1796 in New York City and will be celebrating the bicentennial in 1996; and,

WHEREAS, the Allegheny Conference was organized in 1846 and officially constituted in 1849 being one of the first conference's founded in the denomination, and as this will be the last conference before the bicentennial celebration, this conference opening session will be dedicated to 200 years of faithful service to their Lord and Savior Jesus Christ.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh and its residents welcome the Allegheny Conference 149th Annual Session to the City of Pittsburgh and extends to them well wishes for a productive and insightful Conference. We congratulate the A. M. E. Zion Church on their bicentennial.

MR. UDIN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

I believe that concludes our Read and Adopted, unless there is any other proclamation to be brought up.

Members of Council, at this time I would like to introduce a guest in the audience, he also has some of his colleagues here, but I apologize for not knowing their names. But, the gentleman is here today, he is the Vice President of the Executive Board of the City of Sarajevo, his name is Esad Luckin. Mr. Luckin, welcome to the City of Pittsburgh.

God bless you. Thank you for being here today, and we wish you well. I think like most Americans, everyone on this Council, unfortunately, is somewhat perplexed about the developments and the human suffering that goes on in the Country and we hope, Godspeed, that there can be a solution, a peaceful solution, recognizing, based on Democratic principles, Democratic rights and the sovereignty of all your people. So, welcome to the City of Pittsburgh and Godspeed. Thank you.

At this time we would like to move to Presentation of Papers, calling on Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

Mr. President. And, Linda.

The Chair:

Thank you, Councilman Cohen.

MR. COHEN PRESENTED

No. 2379 Resolution authorizing the transfer of $5,000.00 from Code Account 1400-1, Premium Pay, to Code Account 1404, Supplies, Bureau of Administration, Department of Public Safety.

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2380 Resolution providing for an agreement with organizations for operational/administrative expenses, etc., for the benefit of the residents of the City of Pittsburgh at a cost not to exceed $4,250.00, chargeable and payable from Code Account 1401.

Which was read and referred to the Committee on Public Safety Services.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this afternoon.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 2381 Resolution providing for the issuance of a warrant in favor of Sofis Company, Inc., in the amount of $3,600.00 for the fall protection system erected during the inspection of the E. H. Swindell Bridge; charging the same to Code Account EC 94-57.

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2382 Resolution amending Resolution #1006, effective August 24, 1993, entitled, "Providing for an agreement or agreements, or use of existing agreements and/or a contract or contracts, or use of existing contracts, for construction and related construction management and design services of Phase I-Courts Facility of the Public Safety Complex," by amending the title to include the purchase of equipment and

materials for said project; at a cost range of $13,000,000.00 or more, but less than $16,000,000.00, chargeable to and payable from the following Code Account: EC92-525, $4,000,000.00; EC93-525, $4,000,000.00; EC93-525, $12,000,000.00.

Which was read and referred to the Committee on Engineering and Construction.

MS. McDONALD PRESENTED

No. 2383 Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, by Resolution No 1056, effective August 24, 1993, by Resolution No. 1219, effective November 1, 1993, by Resolution No. 755, effective October 19, 1994, and by Resolution No. 846, effective November 4, 1994, and Resolution No. 937, effective December 7, 1994, entitled, "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U. S. Department of Housing and Urban Development for a grant in connection with the 1993 CDBG Program," so as to decrease a line item in the Housing Authority of Pittsburgh and increase a line item in City Planning.

Also,

No. 2384 Resolution amending Resolution No. 143, effective February 1990, as amended by Resolution No. 677 of 1990, by Resolution No. 719 of 1992, by Resolution No. 706 of 1993, and by Resolution No. 440 of 1995, entitled, "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U. S. Department of Housing and Urban Development for a grant in connection with the 1990 Community Development Block Grant Program," so as to reduce a line item in Engineering and Construction and add a line item in Parks and Recreation.

Also,

No. 2385 Resolution providing for the filing of an application with the EEOC for a grant in connection with deferral of employment discrimination charges/EEOC-706 Project; providing for execution of contract and for filing of requisitions, etc.; maintaining a special trust fund in connection with the project and providing for deposit of funds in a bank account.

Also,

No. 2386 Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the North Shore Tax Incremental Financing District, and making certain finding.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2387 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the North Shore Tax Incremental Financing District.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2388 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Cultural District and the Inner Triangle Redevelopment Areas.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2389 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for a portion of the Strip District Redevelopment Area.—**(MS. McDONALD AND MR. HERTZBERG)**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2390 Resolution providing for a contract or contracts or the use of existing contracts for the purchase and installation of three professional broadcast video tape Betacam editing/recording machines to be used by the Department of General Services, Bureau of Cable Communications, for the City of Pittsburgh's Government Communications and Municipal Services Cable Channels, at a cost not to exceed Sixty Thousand ($60,000.00) Dollars.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this afternoon.

MR. HERTZBERG seconded the motion.

MR. ONORATO PRESENTED

No. 2391 Resolution providing for the issuance of a $1,412.00 warrant in favor of Al Bartlett in settlement of claim for sidewalk damage due to City tree roots.

Also,

No. 2392 Resolution providing for the issuance of a $1,419.18 warrant in favor of Josephine C. Sladic in settlement of claim for property damage due to sewer backup.

Also,

No. 2393 Resolution providing for the issuance of a warrant in favor of Vanstar Corporation, in the amount of two Thousand Seven Hundred Sixty Dollars ($2,760.00) in payment for computer training furnished for the benefit of City of Pittsburgh-Department of Personnel and Civil Service Commission employees. Chargeable to and payable from Code Account 1100-1, Education and Travel.

Also,

No. 2394 Resolution providing for the transfer in the amount of Twenty-Five Thousand Dollars, from Code Account 47, Personal Leave Buy-Back, to Code Account 57-1, Retirement Severance Pay, Department of Finance.

Also,

No. 2395 Resolution authorizing and directing the Mayor and the Director of Finance to enter into a Municipal Services Agreement with Keystone Health Plan West, Inc., ("Keystone"), providing for the payment by Keystone to the City of Pittsburgh of certain costs related to Keystone's relocation to and operation within the City of Pittsburgh.

Also,

No. 2396 Resolution authorizing the City of Pittsburgh to issue a quit-claim deed for property designated as being part of Block 41 E, Lots 316 and 317, 11-13 Berry Street, in the 28th Ward, to Port Authority of Allegheny County, for the sum of One ($1.00) Dollar.

Also,

No. 2397 Resolution amending Resolution No. 854, Item B, eff. 7-13-92, which authorized the sale of 2128 Hemans Street, 2-2 sty. fra. hses., 5th WD, 10-P-169, to Robert Wilson for the sum of $2,000.00 by reducing the price to $800.00 as it was deemed necessary to demolish one of the structures.

Also,

No. 2398 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2399 Resolution granting unto South Side Local Development Company, 1417 East Carson Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, three (3) front stoops with steps and one (1) porch on a portion of the right-of-way on South Seventeenth Street and also five (5) front stoops with steps on a portion of the right-of-way on Wharton Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 2400 Resolution granting unto the East End Co-Op, 7516 Meade Street, Pittsburgh, Pennsylvania, 15208, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on Meade Street in the 13th Ward, 9th Council District of the City of Pittsburgh.

Also,

No. 2401 Resolution granting unto Edward Lesoon, c/o Asia Carpet and Decorating Company, 4749 Baum Boulevard, Pittsburgh, Pennsylvania, 15213, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a handicap ramp on a portion of the right-of-way on Kirkwood Street in the 11th Ward, 9th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2402 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning, District Map No. 11, by changing from "R4" and "R5", Multiple-Family Residence Districts, and "M3", Light Industrial District, to "A1" Commercial-Residential Associated District, certain property having frontage on Baum Boulevard between North Craig Street and the Busway, three properties having frontage on the easterly side of North Craig Street, and four properties having frontage on Melwood Avenue, 5th Ward. (COUNCIL DISTRICT NO. 6)

Also,

No. 2403 Resolution amending Resolution No. 1267, approved November 12, 1993, entitled, "Providing for implementation of a Residential Parking Permit Program (RPPP) Area "V" in the Shadyside community pursuant to Pittsburgh Code Chapter 549."

Which were read and referred to the Committee on Planning, Zoning and Land Use.

THE CHAIR PRESENTED

No. 2404 An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article IX, Boards, Commissions and Authorities, Chapter 176, Comprehensive Municipal Pension Trust Fund, Section 176.02, Membership, and Section 176.06, Powers and Duties, by changing the composition of the Board of Trustees, by providing for the membership of the City Controller on the Board, and by requiring that an annual report be distributed to active members.— **(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2405 Petition from the residents of the City of Pittsburgh requesting a public hearing regarding Woodbourne Avenue becoming a one-way designated street from Queensboro Avenue to Sussex Avenue.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

Also,

No. 2406 Communication from Paul Hennigan, Director, Department of Finance, submitting a report of deposits and the market value of securities pledged as collateral by City Depositories as of June 30, 1995.

Also,

No. 2407 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of the re-appointment of Conrad A. Johnson, Esquire, to the Stadium Authority for a term to expire December 31, 1999.

Also,

No. 2408 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of the re-appointment of Judy Dyda to the Pittsburgh Parking Authority for a term to expire May 31, 1999.
Also,

No. 2409 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of the re-appointment of Nancy Ross to the Pittsburgh Parking Authority for a term to expire April 30, 2000.

Which were read.

The Chair:

On the resolution announcing the request for a public hearing on the petition and on the report from the Finance Director, and the latter re-appointments, which are the unilateral prerogative of the Mayor, I need a motion to receive and file.

Mr. Hertzberg:

So moved.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

The other bill, which I introduced, regarding pension, it would be up during the regular course of business next week.

Are there any other bills to be presented at this time? If not, moving to Unfinished Business. Are there any reports under Unfinished Business, or Reports of Special Committees? If not, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

As you know, since the last recess we had no formal action at the Committee Session, therefore, I do not believe there are any bills at this time for final adoption under Reports of Committees. We are meeting this afternoon at -- 1:30 this afternoon is the regular Standing Committees Meeting, and we did waive Rule 8 on a number of bills this morning. Also, Director Kraszewski from Public Works indicated to me and probably to the Chairman also, that there is a family emergency and crises and he would not be able to be here, unfortunately, this afternoon. I know I have a bill, and I would ask that the Chairman please consider holding it for a week.

Are there any other matters to be brought before the body under Motions and Resolutions?

MOTIONS AND RESOLUTIONS

The Chair:

Councilman O'Connor.

MR. O'CONNOR PRESENTS

No. 2410 WHEREAS, the Pittsburgh Irish Festival, Inc. is an independent not-for-profit community organization which promotes Irish cultural events throughout Pittsburgh and the region; and;

WHEREAS, the Pittsburgh Irish Festival, has been incorporated in the Commonwealth of Pennsylvania and has

been granted exemption from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code; and;

WHEREAS, the Pittsburgh Irish Festival, Inc. desires to operate certain small games of chance and/or conduct raffles to generate funds to finance operations and further its purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh hereby recognize and declare the Pittsburgh Irish Festival, Inc. to be Civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Which was read.

The Chair:

Councilman, motion to approve.

Mr. O'Connor:

So moved.

MR. RICCIARDI seconded the motion.

The Chair:

Motion to approve. This is under the Small Games of Chance. There has been a second. Discussion.

Mr. Cusick:

No, I just want to make mention that the Irish Festival will be this weekend, from Friday to Sunday. It is a great event, all the Irish groups come down and participate. My family has been involved for many years, I know that we have always had a great time. I would just encourage people to go down there this weekend. It is down the I. C. Light Amphitheater at Station Square. If you have nothing to do this weekend, I think it is a great opportunity to get around and meet some of the Irish community, a lot of great people there.

The Chair:

Thank you, Councilman. Councilman O'Connor.

Mr. O'Connor:

I want to add to it, I know the Italian Festival was last week, it was a big success, while we were on break, and I think it is outstanding that the different nationalities still do this, and I hope everyone in the City comes out and supports it. I know there is a big Mass Sunday at 10:00.

The Chair:

Thank you, Councilman. All in favor of the resolution?

WHICH MOTION PREVAILED.

The Chair:

Thank you. We will send that over to the Mayor for his signature.

Councilman Onorato.

Mr. Onorato:

This is on a different issue. This is really a follow-up to my colleagues to keep you posted of what is happening. You might recall, several months ago,

where I brought up to this body -- and it was pretty confusing, because it dealt with HUD and HUD has a way of making everything confusing. In the Allegheny Commons Apartment Complex on the North Side, and I was very critical of the deal that the local HUD office cut with the owners because it was going to hurt the tenants that lived there, and what I have here is a copy of an article from the New York Times, that did an article on Allegheny Commons, basically explaining probably a lot better than I could, the damage caused by HUD and the tax code, the way it is structured, by taking what we had, a good, quote, working poor, or working class neighborhood on the North Side and turning it upside down, by just giving our Federal Tax Dollars to private investors that are pocketing the money, and the fear of this whole entire complex turning in to a problem area, where it was a success story for 20 years. And so, I am going to pass the article around, and at your leisure if you get to read it, I think you will understand why we were fighting this. Unfortunately, we lost in Federal Court trying to stop the deal. But, I will continue to fight local HUD, or the HUD down in D.C., because they were involved, too, because a lot of times, I think they are the ones that are causing the problems in the urban areas. Their intentions might have been well-founded years ago, but in reality what they are trying to do is undermine the good programs that are in place and this is a classy example of HUD just going awry. Thank you.

The Chair:

Thank you, Councilman. We have a number of appointments, if the Clerk could please read the appointments. Appointments and re-appointments.

THE CHAIR PRESENTS

No. 2411 Resolution re-appointing Jesse W. Fife, Jr., 1006 North Sheridan Avenue, Pittsburgh, PA 15206, as a Member of the Zoning Board of Adjustment, for a term to expire December 31, 1997.

Also,

No. 2412 Resolution appointing Rev. William Dallas Morgan, 1218 Heberton Street, Pittsburgh, PA 15206, as a Member of the Human Relations Commission, for a term to expire April 1, 1998.

Also,

No. 2413 Resolution appointing Curtis A. Byam Smith, 811 Mellon Street, Pittsburgh, PA 15206, as a Member of the Human Relations Commission, for a term to expire July 1, 1999.

Also,

No. 2414 Resolution appointing Pamela P. Golden, 616 Bellefonte Street, Pittsburgh, PA 15232, as a Member of the Human Relations Commission, for a term to expire July 1, 1998.

Which were read.

The Chair:

Thank you. Mr. Fife is already currently serving on the Board of Adjustment, he is a North Side resident, and the other three, Rev. Morgan, Mr. Smith and Ms. Golden, would be new appointments to the Human Relations Commission. I would like to suggest that

we entertain a motion to re-interview – actually re-interview Mr. Fife and then interview the other three, all four being either new appointments and/or re-appointment. If there is no objection.

Mr. Onorato:

So moved.

MR. O'CONNOR seconded the motion.

The Chair:

The motion has been made to interview, have all the individuals come forward, probably not this afternoon, obviously, because of the schedule but possibly next week. Any discussion on the motion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you. I will work with Mr. Onorato to schedule those individuals for their Council interview.

Is there any other matter to be brought before the body? I am sure there are a lot of issues we would like to talk about, least of which is the Pirates. If not, I would like to entertain a motion to approve the Minutes.

MR. UDIN moved to approve the Minutes of Tuesday, July 25, 1995, Tuesday, August 1, 1995, and Monday, August 7, 1995.

MR. COHEN seconded the motion.

Which motion prevailed.

And on the motion of MR. COHEN

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *September 12, 1995* *No. 35*

Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, September 12, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Good morning, everyone. I see a number of other elected officials in the audience. We have our School Board Member, Evelyn Neiser here, and also the School Board President, Liz Healey, as well, our School Superintendent, Louise Brennen. Good morning and thank you for attending. And, excuse me, Maggie Schmidt, also from the School Board. And, I apologize, I don't know all the –

Ms. McDonald:

Dr. Lou Venson.

The Chair:

Dr. Lou Venson. Good morning, and thank you for attending Council's Session today.

Would you all please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silent prayer, so that we may have peace throughout the world. We are very pleased to have a young student here today, his name is Martel Brown. He is at the Rodgers School for Performing Arts, in my own Council District. He is 13 years old, and Martel is going to lead us in the Pledge of Allegiance. Martel.

Martel Brown:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Martel lives in Councilman Udin's Council District, the

6th Council District, and Deborah Blackwell is here also from Councilman Udin's Office. Good morning.

Martel, thank you for leading us in the Pledge and our City Clerk has given you the flag of our great nation and the flag of our City, and we want to thank you for coming down here today to City Council.

PRESENTATIONS

The Chair:

We have a number of guests in the audience this morning, and at this time I would like to call on Councilman Cohen and Councilwoman McDonald for a proclamation. Councilman Cohen, and Councilwoman McDonald.

Mr. Cohen:

Thank you, Mr. President. Good morning Members of Council and attendees today. Would all of those, including the public officials who are here to oppose cuts in education, please come up please.

Members of Council, members of the audience, it is my honor to present this proclamation with Councilwoman Valerie McDonald. It is hard to believe that we actually have to fight to save education programs for our children, but that is what is happening in Washington these days, upside down priorities, and particularly in this instance, when it comes to education. What could be more important for our children than education.

The Vice President of the United States, Al Gore, was in Pittsburgh yesterday to protest cuts for higher education, for student loans, in particular. But, today we are here to fight cuts that are equally, if not more important, and that is cuts in Federal funding to elementary and secondary school students.

Bill H. R. 2127, the Republican-Sponsored Education Appropriations Bill, passed the House and is now in the Senate, in fact, it was introduced in the Senate today. We do not have a Senate Bill No. yet, but we will by this afternoon. This bill that came out of the House cuts 4 billion dollars nationally in education programming for 1996. Pittsburgh will lose an estimated 3.1 million dollars in funding for critical educational programs. And, the tragedy, and which is often the case as we see these cuts coming out of Washington, the tragedy is that these cuts will fall primarily on poor and disadvantaged children. For example, the Supplementary Instruction Program for reading and math skills for disadvantaged children, drug prevention services, job training and placement services, and we all know what the tremendous cuts have been for our Summer Job Program that both the City and the School Board participate in.

These cuts represent the larger single cut in Federal funding for education in the history of the United States, and you know what, we cannot any more engage in back-room diplomacy and statesmanship about this, we have got to fight. And, what this resolution here is is another step, and when I say, another step it is because the people who are standing here have taken several steps already, but this is another step to say, this is wrong, you are cutting programs for our children. And,

why are they doing this? Why are they doing this? For tax cuts for the wealthy. That is the real tragedy here, and that is what makes us even more onerous is the fact that they are cutting programs for children in order to provide tax cuts for the wealthy.

We're here to say it is wrong, and when I say, we're here, I am just so delighted to have, along with Valerie McDonald, of course, who is the former president of the School Board, to have several School Board Members here, Liz Healey, the current President of the School Board and my School Board Director, it is good to have you here; Louis Venson, Dr. Louis Venson; Maggie Schmidt, Evelyn Neiser. Thank you all for coming. We also have the Superintendent of Schools, Louise Brennen, who had to re-arrange her schedule to get here today. And, also Mike DiRaimo, who is the lobbyist -- where are you, Mike? Come on up. Come on up I tried to find you in this crowd. Mike, who really is the lobbyist for the School Board in Harrisburg and provided us with all of the information that is necessary.

So, that having been said, let's read this resolution, and then I am going to turn it over to Valerie McDonald.

MR. COHEN AND MS. McDONALD PRESENT

No. 2415 WHEREAS, the U. S. House of Representatives recently passed the Fiscal Year 1996 Labor/Health and Human Services/Education Appropriation Bill (H. R. 2127), which cut approximately $4 billion in federal funding for valuable education programs; and,

WHEREAS, these cuts, along with the $500 million in education program funding cuts which were recently signed into law as part of the Fiscal Year 1995 Rescission Bill, fall disproportionally on the poorest schools in the nation and two-thirds of these cuts are in programs for elementary and secondary education; and,

WHEREAS, if these spending cuts pass the United States Senate and are signed into law by President Clinton, they will represent the largest single federal funding reduction in the history of elementary and secondary education; and,

WHEREAS, these cuts will have devastating effects locally as they will result in the estimated loss of $3.1 million in federal funding for public schools in the City of Pittsburgh; and,

WHEREAS, the loss of this funding will compel Pittsburgh City School officials to make drastic reductions in the scope of education programs which provide supplementary instruction in reading and mathematics skills for disadvantaged children, drug prevention and intervention services, and summer youth employment/job-training and placement services.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh opposes H. R. 2127 because of the devastating effects that this bill will have on Pittsburgh's public school system; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh urges the U.S. Senate and President Clinton to oppose the drastic spending cuts to education programs found in H. R. 2127.

MR. COHEN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

Mr. Cohen:

I should say that President Clinton, I believe, has already said that he will veto this bill if it passes in its current form, so I did not want to imply, of course, that he has not been strong, he has been very strong, he just has not had a chance to sign or veto this bill. If it goes through Congress in its present form, President Clinton will certainly veto it. And, I would also like the City Clerk, Linda Johnson-Wasler, if you would, to send this proclamation to the two Pennsylvania Senators and the entire Congressional delegation.

And, let me, if I could, present this proclamation to Superintendent Louise Brennen, have her say a few words, and then, Valerie, if you could do it after that.

Louise, congratulations, and let's work together to fight these cuts.

Ms. Brennen:

Thank you so much, Councilman Cohen. Clearly, as Councilman Cohen has stated in the proclamation, that we in the Pittsburgh Public Schools stand to lose a minimum of 3.1 million dollars in the fiscal 1995/'96 School Year, and what is so tragic to such cuts, of course, would be the programs that historically have benefit our students with either special educational needs or financial needs will be affected. Summer jobs for students from low income families and the services that we have been able to provide to promote our safe and our drug free schools would be affected, and significant reductions would have to be made to the Title I Programs, which again would affect our students in need. And so, we are – even though we have voiced our opposition to these proposed cuts, we clearly appreciate the efforts of City Council in support of our position. The message is going to be much more powerful when the City and the School District together speak with a single voice, and we all hope that the Senate will listen. Thank you.

The Chair:

Thank you, Louise.

Ms. McDonald:

I was very thankful that Councilman Cohen had had the foresight to present a resolution like this. Even though we are a local governing body, that we need to take stands, we need to be very proactive in what goes on, not only just in the City but what goes on nationally. Ultimately it always falls back on us one way or the other, and today is just one of those mornings that diplomacy tends to escape me. We all know some mornings like that, some days like that, but really have to call a spade a spade, and what is going on in Washington, not by all but by some, is strictly asinine, strictly asinine. When you sit there and think that education does not take a high priority, there is some fault in your logic and your ability to reason, because ultimately if you are even going to consider putting more money in a defense budget to build missiles and very high technologically –

yes, missiles and what have you, if you are going to put your money into high tech, in a defense, and you do not have anyone that is educated enough coming out of the schools, or sophisticated enough, well-rounded enough to come out of the schools to even be able to learn how to use those same missiles, where is your reasoning, where is your logic. And, I think the rich, just to stuff their coffers and stand on the necks of our children, is horrible, it is absolutely deplorable. And, I do caution many people who I talk to publicly, is that if you keep ignoring the masses, and I am talking about the masses, in the years past, and history dictates to me, masses can revolt, and the one thing I am encouraging people to revolt is with their feet on election day.

So, thank you very much, and again, I urge the Pittsburgh Public Schools, keep up the fine work that you are doing. Again, you serve the general overall citizenry of Pittsburgh and all of the young folks that are in Pittsburgh, and again, continue your fight. Thank you very much.

The Chair:

Thank you.

Mr. Cohen:

Thank you, Valerie. And, now the President of the School Board, Liz Healey, will speak for all the School Board Members, I believe. Anyone who wishes to, of course, are welcome to come up here, but, Liz, please.

The Chair:

You have three minutes.

Ms. Healey:

Briefly. I think we realize that the rationale that the Republican leadership in Congress has for this cut is their questioning the role of Federal Government in education. They see education as a responsibility of states and local communities. It is clear to us that that is extraordinarily shortsighted. That if we are really looking for a country that is going to be productive and increasing productivity, we cannot do that with a work force that is not well-prepared.

We think that this is extraordinarily important at this point in time, when urban centers are increasingly coming under attack, not only in education but for all kinds of supports and services, that the School Board and City Council come together and lobby in an united effort in opposition to these cuts.

And so, we very much appreciate the support of City Council and we look forward to continuing to work together. Thank you.

The Chair:

Thank you.

Mr. Cohen:

If you are listening to this, please call your Senators, or write your Senators. It is now in the Senate, Senator Arlen Specter or Senator Rick Santorum, write them and say you oppose these cuts in education for our children.

Thank you all for coming here. I really appreciate it.

The Chair:

Thank you. Councilman Cohen and a number of members.

Mr. Cohen:

This next proclamation is for the East End Cooperative Ministries. So, if you could all come up here, please. And, this is sponsored by all East End Councilmembers, which is Jim Ferlo, Bob O'Connor, Valerie McDonald and myself. Bob, Valerie, come on up.

Mr. Cohen:

If anybody here does not know what the East End Cooperative Ministry is, which I assume are very few people by now, it is a group of churches and parishes and synagogues that are organized to meet the needs of the East End poor. The EECM's special mission has always been the support for the very young and the frail elderly through a myriad of projects, some of which are mentioned in this proclamation.

So, I would like to read this proclamation to mark the 25th year of service of the East End Cooperative Ministry.

MESSRS. COHEN, FERLO, O'CONNOR AND MS. McDONALD PRESENT

No. 2416 WHEREAS, the East End Cooperative Ministry (EECM) was formed in 1970 as an interfaith coalition of congregations, parishes and institutions united to minister to human needs in the East End of Pittsburgh; and,

WHEREAS, EECM's mission is to serve the poorest of the poor through food, shelter, training and education with the intention of attacking and breaking the intergenerational cycle of poverty; and,

WHEREAS, some of the important and far-reaching programs of the EECM include, but are not limited to, the Soup Kitchen, which has provided regular hot lunches for almost twenty years; the Food Pantry, where each month approximately 500 East End households receive food, referrals and help with related assistance programs; the Emergency Shelter, where 24 homeless men are provided with a bed, shower, hot meal, and safe haven from the streets each night; Bridge Housing, a residential program which aids in the transition from the streets to a more structured environment; the Elderly Support Services, which enables frail people without families to remain in their own homes by providing simple health care, shopping cleaning assistance, and companionship; and Children and Youth Services, which includes tutoring, a five-week summer day camp, counseling, and youth work in local schools and neighborhoods; and,

WHEREAS, beyond programming, EECM works with community members on issues of common interest to promote understanding and unity among people of diverse religious traditions; and,

WHEREAS, EECM marks its 25th year of service with events that include a closing celebration August 10 for the 450 children in its summer day camp; a 25th Anniversary Dinner on September 17, 1995; a Chorale and Brass Concert on October 22; and an Interfaith Worship

Service of Renewal and Dedication on November 12, 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the East End Cooperative Ministry for 25 years of service to the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares September 17, 1995 East End Cooperative Ministry Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you. Let me introduce those who are here today. They include Joan Gaul, who is Board Member, and a constituent, by the way, of District 8 – I want to get that in their, Joan –

Ms. Gaul:

And the Sixth Presbyterian Church in Squirrel Hill.

Mr. Cohen:

And the Sixth Presbyterian Church in Squirrel Hill.

Jim Gordon, who is the President of the EECM Board. Thank you, Jim, for being here. Nancy Paul, who is Assistant Director of EECM; the Reverend Darnell Leonard. Thank you, Reverend, for being here, the Director of Children and Youth Programming for EECM and also the Pastor at Mt. Ararat Church.

Rev. Leonard:

Associate Pastor.

Mr. Cohen:

Associate Pastor. Excuse me.

And, Judy Marker, the Executive Director of EECM.

My understanding is that Nancy Paul is going to speak for the group, am I right or – Judy is. Judy, come up here and accept this proclamation, please. Congratulations on behalf of the City of Pittsburgh.

Ms. Marker:

Thank you. Somehow I would rather not hear all these programs listed like this because we have to raise the money to keep them going, and that is always a challenge, but for 25 years, the religious institutions in the East End of Pittsburgh have remained faithful to their mission, which is to help those in need, and while the emphasis has changed from year to year, or decade to decade, it has always remained on the cutting edge of where the greatest need was. Right now we see that need probably as being with children and youth and we are putting a lot of energy in that. We are proud to be one of the best AmeriCorp programs in the country and if anybody wants to come and see it, we would love to have them come, they are working in the schools and working in the community. We are also inviting you to come to our dinner on

Sunday evening at East Liberty Presbyterian Church, or come and see us anytime. But, thank you very much for recognizing us and we appreciate it.

The Chair:

Thank you, Judy.

Mr. Cohen:

Valerie, should we do this again? And, Bob O'Connor.

Ms. McDonald:

No, I just have some very quick words. I just feel that the EECM is one of the collaborative initiatives that are going on in the eastern part of the City of Pittsburgh that truly is grass roots, that helps people, and I am a little partial because it involves a lot of religious institutions, and so it does touch upon your spiritual sense, what is inside, so that when you go out, it is not a Band-Aid but they try to kind of sew up and mend up what is inside as well.

So, again, I applaud your efforts. I know that you are going to still be out there. I look forward to seeing you on Sunday at the dinner, and again, congratulations.

I am surprised, Rev. Leonard, you don't have anything to say. I am surprised. You know you want to say something. He is also a newly wed. Come on up here.

Rev. Leonard:

It is tough when you have friends, but to everyone that is present, we just want to say, if there is anything that ought to be important to us during these days, it should be our children and youth, as we have just heard what is going on in public education, that for about 30 years our children have been on a slippery slope in our society, and I just really want to encourage us that we would take the bull by the horn, in terms of our families, of our children, providing education, providing social opportunities, and also providing some economic opportunities for our young people. That is what we are trying to be about, and I believe if we all collaborate together we will be able to still be what I call the No. 1 City in American, because of the kind of relationships that we have and how we work together.

Again, thank you very much for the proclamation and surely it is encouraging us to carry on what we are doing in years to come. Bless you.

Mr. Cohen:

Thank you. Councilman Bob O'Connor, who is an East End Cooperative Councilmember.

Mr. O'Connor:

Again, you said it so well, and I just want to congratulate. You cover all the areas, from the food pantries to the elderly and especially the youth of today, all the fine work you do. I just want to congratulate you on your 25th anniversary and hope everyone comes out for the dinner on Sunday night? What's for dinner, anyhow, that night?

Ms. Marker:

Chicken.

Mr. O'Connor:

Chicken. What else do we eat?

But, as you said, you and all the good organizations need funding to do this good work and I hope everyone keeps supporting you. Congratulations.

The Chair:

Thank you. Thank you all and please keep up the good work. Congratulations.

Councilman Cusick.

Mr. Cusick:

Thank you. Would the Overbrook Teen Council please come up. Fran, are you going to come up and join.

We have with us today the Overbrook Teen Council.

MR. CUSICK PRESENTS

No. 2417 WHEREAS, the Overbrook Teen Council held it's first meeting on February 10, 1995 with a focus on community service, leadership and fun;

WHEREAS, the first official community event that the Teen Council participated in was an Easter Bunny hop at Overbrook Center, served lunch, played with the younger children, filled baskets, and helped to clean the Center when the party was over; and,

WHEREAS, the Teen Council made special Easter decorations for the senior residents of Gualtieri Manor in Beechview and decorated the lobby, hallway and recreation room of the Manor; and,

WHEREAS, the Teen Council participated in many other activities such as planting flowers for the Armed Forces Memorial located outside of the Overbrook Fire Station, completing the 18-mile "Walk for M.S.", creating the "Overbrook Outlook", a publication spotlighting community news, positive views on teenagers and feature articles written by OTC members, sponsored a "get acquainted" and drug education night for the teens from the Bon Air Youth Group; and,

WHEREAS, the Teen Council sponsored the first annual Public Safety Appreciation Day at the Overbrook Center with the Teen Council serving hot dogs, hamburgers and other picnic fare served to 33 police officer and 18 firefighters as a way of saying "thank you" for their service to the community, and presenting a new gas grill to the firefighters of Engine Company #25; and,

WHEREAS, the Teen Council participated in other events, such as the Overbrook Elementary School's annual Ethnic Fare, pie-throwing at the Kid Expo '95 and Overbrook's Illumination Celebration in July of 1995; and,

WHEREAS, the Overbrook Teen Council members were responsible for a large portion of the 6,000 signatures on petitions that were taken to Washington D.C. to bring federal attention to the flooding of the Saw Mill Run Valley devoting many hours of their summer vacation to this vital community service and four members represented the Teen Council on a trip to Washington D.C. to

present the petitions to agents of the Clinton Administration. Passed in Council Tuesday, September 13, 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and honor the Overbrook Teen Council for their many achievements this past year and for their interest and dedication to their community as representatives for the future of Overbrook and the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

I just want to say, in the short period that the Overbrook Teen Council has been around, they have done, as you just heard, a number of good things in the community. Unfortunately, we do not always hear about the good things that our youth do and we are always hearing about the bad things. These are some of the best kids that you ever want to meet. I have had the opportunity to get to know them on our trip to D. C. While I was sleeping on the bus, it wasn't nice knowing them, though, because they did some unusual things. But, really I mean they have just been a tremendous benefit to the community, I know to the Overbrook Community Council and to the other groups of the areas. As you heard, this group has helped in the Beechview community, the Bon Air community, the Carrick community. So, they are not only sticking to their own, they have also reached out and have lent a helping hand when needed.

I would just like to thank you for doing all the hard work. And, as we talked about, they went to D. C. with us, they played a vital part and we hope that the funding will be restored for the Saw Mill Run Project. You do not know how important that is, not only for the people that live in Overbrook now but for the future. And again, I would just like to thank you, and if you would just come up and take a plaque here.

Now, who's going to talk? Because yence wouldn't shut up on the bus ride, so somebody has got to talk now.

Melissa Sefchick:

On behalf of Overbrook Teen Council, we would just say thank you for this resolution, and at this time all the Overbrook Teen Council Members would like to say their names.

The Chair:

Let's give her a hand, by the way.

Sara Levandowski:

My name is Sara Levandowski and I am part of the Overbrook Teen Council. Thank you.

Justin Street:

Hi. I am Justin Street and I am part of the Overbrook Teen Council and I would just like to say thank you.

Christina Rullo:

Hi. I am Christina Rullo. I am part of the Overbrook Teen Council and I would like to say thank you.

Melissa Sefchick:

My name is Melissa Sefchick and I want to say thanks again.

Ms. Zupanek:

I am Jeannie Zupanek and I am one of the adult advisors for the Teen Council, and in a day when teenagers are pretty much criticized for everything they do, it is nice to see this group of teens and it is even nicer to see them recognized. But, one of the things that is even nicer is the privilege that I have had to work with them. And, I would like to recognize the other adult volunteers who have also worked with them, some of them aren't here. But, there is Fran Accamando and Carol Anthony, and not with us today are Jayne Minsterman, Vaughn Brunner and Rob Frank. They do a good job and they give up time every week to be with the teens and help them do all the wonderful things they do. Thanks.

The Chair:

Thank you.

Mr. Cusick:

Before we ask the Overbrook Teen Council to sit down, we have a little special presentation that we would like to make and we would like Fran Accamando to please come up.

Ms. Accamando:

What?

Mr. Cusick:

Fran is the Director of the Overbrook Community Council, and I am sure all of my colleagues know who Fran is and know of her hard works. And, if I would. Fran.

MR. CUSICK PRESENTS

No. 2418 WHEREAS, Fran Accamando, a resident of Overbrook for over 22 years, has devoted the majority of her life for the betterment of the community with the support and love of her husband Mark and her son March; and,

WHEREAS, Fran Accamando served as the President of the Overbrook Community Council for 8 years from 1986 to 1994; and,

WHEREAS, Fran has a rich history of community service and has been an active member of several community organizations including serving as Overbrook Blockwatch Captain, a member of Friends of the Carrick Library, Zone 3 Public Safety Council and Co-Author of "Overbrook Looking Back, A Pictorial History"; and,

WHEREAS, Fran is one of Pittsburgh's premier community leaders currently serving as Vice-President of the South Pittsburgh Economic Revitalization Team, Chairperson of the Saw Mill Run Task Force since 1990 and serving as a member of the Carrick High School Community Council, the Port Authority Task Force, South Communities Together,

and United Citizen's Against Narcotics; and,

WHEREAS, most recently Fran was instrumental in getting members of the President's staff to meet with the flood victims of Overbrook and working diligently to have funding restored to solve the Saw Mill Run flooding problem.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby honor and commend Fran Accamando for her unselfish dedication to the community of Overbrook and the residents of the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, September 12, 1995 Fran Accamando Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

As I said, you all are aware of Fran's hard work and all you have to do is probably pick up the Press in any given month and you see Fran's name in it fighting a good fight, always out there looking out, not only for the residents of Overbrook but the surrounding communities, whether they be in the suburbs or in the City. I think that to me is probably one of the best gifts you could have from a person, when they just continue and continue to give and don't look for anything in return. I think her reward is to see the efforts of the community come together and so many nice things that really happen, not only with the residents, but with the kids, and I mean it goes on and on, and it is hard to even to describe how much work Frannie does. But, here is just a little special community achievement award for you, too, Fran, and if you would.

Ms. Accamando:

Joe mentioned a trip to Washington and on that trip there was a conversation that I held with a young man, who is going to die a long, slow, painful death. We had discussed the fact that –

The Chair:

Is that Bill Urbanic?

Ms. Accamando:

– I really feel uncomfortable with things like this. Please don't ever do this to me. And here I stand. So, obviously my words to him didn't mean a lot. But, my words to the community are, I'm not ready to give up yet. We are going to address the problems on the Saw Mill Run. We are going to get a new Senior Center in our community. And, it really doesn't have anything to do with awards and plaques, it is a matter of self-satisfaction. But, the most important part of everything I have done is knowing some of the people that I have met, Carol Anthony, Jeannie Zupanek, these marvelous teens and the other teens and other Board Members of the Overbrook Council, and the people in the community and the people in other communities that have been supportive of us over the years.

And, I have met some really nice people in the City Council Offices as well, the Council people, their staff people. I mean everyone has been really helpful and I truly, truly appreciate everything everyone has done. I just hope we can continue working together in the future, we have got a lot to fix, and I'm game, are you? Thank you.

The Chair:

Thank you, Fran.

Mr. Cusick:

I want to give Carol Anthony, the President of the Overbrook Community Council, an opportunity to come up and say a few words.

Ms. Anthony:

Thank you. I am sure that Bill isn't the only one that is going to die a slow death today because I've known about this for weeks and it has been really hard for me to keep this from Fran. But, on behalf of the Overbrook Community Council, I would like to thank Fran for all of her hard work. She is going on to her 13th year in community service in Overbrook, and I do not know anyone who has worked harder for the community than Fran has, and she has brought millions of dollars into the community through the Saw Mill Run Task Force and her chairmanship of it. Also, we have a community center today because she lobbied for the center and the furniture and the equipment in it. So, I just want to say thank you to Council for recognizing here.

The Chair:

Thank you, Carol. Councilman Cohen, would you like to have a few words.

Mr. Cohen:

Thank you very much, Mr. President. First of all, I commend Councilman Cusick for both of these proclamations. I just want to, first of all, thank the Teen Council, I have gotten to know them a little bit over the years, thank them for all the things they did to me on that trip to Washington.

But, in a serious vein, you are the future, and what is so marvelous about the Overbrook Teen Council -- because I really haven't seen this in a lot of other places -- is that the adult leaders recognize that you are the future and they also recognize that they need to give you the kind of resources that you need, and especially the kind of advice and consolation, and this teen force is just a marvelous group of young men and women who are going to become the future leaders of this City, that is for sure.

Now, as for Fran, I just want to say that Fran is one of the most dedicated citizen leaders that I have ever seen and she is so dogged in her determination to get things done for the Overbrook area, particularly to widen and deepen Saw Mill Run, that I know it is going to happen, you have pushed so hard to cut the red tape and cut some of the misleading things that have been told to the Overbrook community over the last hundred years, that I just look forward to continue working with you. Congratulations, Fran.

The Chair:

Thank you, Dan. Thank you all for your hard work.

Councilwoman McDonald, I believe you have one to be read into the record.

Ms. McDonald:

Two.

The Chair:

Two to be read into the record. I will ask the City Clerk to please read these into the record.

Ms. McDonald:

Mr. President.

The Chair:

Thank you, Ms. McDonald.

MS. McDONALD PRESENTS

No. 2419 WHEREAS, on Tuesday, September 12, 1995, the Minority Enterprise Corporation and the African American Chamber of Commerce presents "Power Conference 2000" at the Hyatt Regency Hotel; and,

WHEREAS, "Power Conference 2000" will give you the opportunity to participate in devising an action plan that will promote business and economic prosperity for minority communities throughout the region; and,

WHEREAS, "Power Conference 2000" will feature nationally known speaker Dr. Dennis Kimbro, author of "Think and Grow Rich: A Black Choice," and a host of other national and regional economic developers and policy makers.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh commends the Minority Enterprise Corporation and the African American Chamber of Commerce for their efforts in developing a collaborative vision for the minority business communities within Allegheny County.

MS. McDONALD moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2420 WHEREAS, on Sunday, September 10th and Monday September 11, 1995, the American Urban Radio Network, the Kingsley Association and the Pittsburgh Branch of the NAACP, are proud to host Myrlie Evers-Williams, Chairperson of the National Board of Directors of the National Association For The Advancement of Colored People, (NAACP); and,

WHEREAS, a native of Vicksburg, Mississippi, Ms Evers-Williams was an honor student at Alcorn A & M College, Lorman, Mississippi. A few years later, she and another outstanding student, Medgar Evers, were married and moved to historic Mound Bayou, Mississippi where they embarked on business careers with Magnolia Mutual Life Insurance Company; and,

WHEREAS, it was while employed with Magnolia Mutual Life Insurance Company and the extensive travel through the Delta that the couple witnessed poverty and injustice on their people. It was then Myrlie and Medgar decided to make a change. Myrlie and Medgar Evers opened and managed the first NAACP Mississippi State Office; and,

WHEREAS, their lives were under constant threats as they worked for voting rights, economic stability, fair housing, equal education, equal justice and dignity. On June 12, 1963, Medgar Evers was assassinated, while Myrlie and their three small children stood as witnesses to the murder at their home in Jackson, Mississippi; and,

WHEREAS, Myrlie Evers-Williams never gave up the struggle after her husbands death. Mrs. Evers-Williams witnessed two hung jury trials, however she continued to fight for justice in the murder of Medgar Evers. In 1994, 31 years later, Mrs. Evers-Williams was present at the third trial in which the original suspect was tried and found guilty of the murder. He is now serving life in prison.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Myrlie B. Evers-Williams for being a woman of great strength and courage.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh further commends Myrlie B. Evers-Williams for being dedicated to Human Rights and Equality which is exemplified by her activist role, linking together business, government and social causes.

SPONSORED BY COUNCILMEMBERS VALERIE A. McDONALD AND SALA UDIN

MS. McDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Councilmembers McDonald and Mr. Udin, I believe, have a joint proclamation. Councilman Udin.

Mr. Udin:

Mr. President.

The Chair:

Thank you, Councilman Udin.

MR. UDIN AND MS. McDONALD PRESENT

No. 2421 WHEREAS, On Saturday, September 16, 1995, The Hill House Association will host two performances by Pittsburgh's own Stanley Turrentine.

WHEREAS, Stanley Turrentine was born on April 5, 1934 in Pittsburgh, Pennsylvania. He grew up at 2325 LaPlace Street. Stanley credits his father, Thomas Turrentine, as being the influence that lead him to music. Stanley's professional debut came early in his life. He was only thirteen years old, and played

in Joe Westry's band, which played the hotel circuit.

WHEREAS, in Stanley's late teens and twenties, Turrentine performed in and toured with various jazz ensembles and big bands, including Lowell Fulson's blues band, Todd Dameron's orchestra, and Ray Charles' featured pianist. Stanley also spent three years in Uncle Sam's All-Stars (158th Army Band), where he received his only formal training. On the road with drummer Max Roach, Stanley achieved international recognition. Shortly thereafter, Stanley made his recording debut on the album Midnight Special with Jimmy Smith.

WHEREAS, In 1985, Stanley reactivated the Blue Note Label and recorded Straight Ahead, which reunited him with Jimmy Smith, George Benson, and Ron Carter. The music of Stevie Wonder was the theme of Stanley's 1987 recording wonderland, and 1989's LaPlace was a tribute to his Pittsburgh hometown.

WHEREAS, Between recording projects, Stanley Turrentine continues to tour internationally and regularly performing at major festivals in Europe and Japan. A favorite at jazz clinics and seminars, he has been featured on late night television shows such as "Arsenio Hall" and "Late Night with David Letterman".

WHEREAS, Stanley's musical work has earned him much acclaim over the years; among his awards are the "Latin Jazz USA" award, four Grammy nominations, and in 1994, an honorary Doctorate of Fine Arts Degree from the University of Maryland, Eastern Shore.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Stanley Turrentine on his excellent and exuberant musical career, and thanks him for returning home for this performance.

MR. UDIN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato.

Mr. Onorato:

At this time I would like to bring forward the individuals that are taking part with the United Way Day of Caring. We have Tony Sanzo, the President and CEO of Allegheny General Hospital, he is also co-chair of the United Way Day of Caring. Kimberly Flaherty, Vice President of Communications, United Way. Amy Hart, Vice President of Volunteer Services of United Way, and Myrna Antonio Hall, United Way Partners in Parks. Myrna, we are not going to let you sit in the background today, come on forward.

Colleagues, I am just going to go right to the proclamation, it speaks for itself, and I know a lot of you participate in Day of Caring.

MR. ONORATO PRESENTS

No. 2422 WHEREAS, the fifth annual United Way Day of Caring September 13th, when more than 6,000 volunteers, teams of employees from more than 200 companies and

organizations spend the day in volunteer service to others at nearly 200 nonprofit sites throughout Allegheny County; and,

WHEREAS, United Way Day of Caring volunteers will deliver meals to homebound elderly people, mentor disadvantaged youth, work with children and the elderly at day care centers and rejuvenate local parks and recreation centers, to name just a few of the hundreds of volunteer tasks to be performed;

WHEREAS, started here in Pittsburgh in 1991 by United Way of Allegheny County, Day of Caring has spread to more than 200 other communities across the United States, ranging from Chicago, Los Angeles and Seattle to Decatur, Fresno and Niagara Falls, In 1994, Day of Caring was even held in Moscow and Johannesburg; and,

WHEREAS, United Way Day of Caring leads to a year of sharing, prompting companies and individuals to volunteer year round; and,

WHEREAS, United Way Day of Caring kicks off the 1995 fund-raising drive to support vital health and human services helping nearly one in five local people; and,

WHEREAS, major sponsors of United Way Day of Caring are: Allegheny Business Machines, Allegheny General Hospital, Bayer, Blue Cross of Western Pennsylvania, Central Blood Bank, Jewish Healthcare Foundation of Pittsburgh, Pittsburgh Chapter/American Society of Media Photographers and Westinghouse Electric Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends United Way, all of the sponsors, and all of the volunteers and nonprofits who contribute in many different ways to make Day of Caring such an tremendous success.

SPONSORED BY COUNCIL MEMBERS DAN ONORATO, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, VALERIE A. McDONALD, BOB O'CONNOR, GENE RICCIARDI AND SALA UDIN

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Onorato:

I just want to point out a very important issue in this proclamation, because you read through it and you sort of just listen there and you're in and out, but the one point that I thought was really interesting is that the Day of Caring started here in Pittsburgh, and it is easy to think that this is something that is going on nationally and it is a part of the United Way umbrella, but this is one of the small things that was started in Pittsburgh and has grown into a national phenomenon, because it is so helpful to so many people, especially with these tight budget times, where the public dollars are just drying up, and there is so much that we can accomplish, just by having individuals contribute one day. And, it really goes to the corporate giving because they are the ones that are paying the salaries, that are allowing the individuals to take off for one

day and to spend eight hours in our neighborhoods. I am glad to lead a couple volunteer groups in my district, I know a lot of my colleagues are doing things throughout the day. This year I just want to talk on one specific example in my district, and that is an old ball park that is on private property – well, that's in question of who actually owns it, but it is a park that probably has not been used for about 15 years and it is overgrown with weeds, and we have a group coming in to clean it up and we have a Little League group ready to adopt it because they ran out of space at the location where they are, and actually that our Little League fields on the North Side are so crowded that we are running out of room. So, here is a field that would be rejuvenated and have the Little League adopt it and the kids will be using it from this point forward and will take care of it from this point forward, but it is going to take a lot of heavy work on one day just to clear it, because you can't even tell it is a field by looking at it, that's how bad it is.

And, that is just one example how giving of one day will go a long way in providing something for the youth of our community for weeks and years to come. So, I thank everyone. I especially thank the sponsors, because without you, we couldn't do that. Kimberly, I guess I am going to ask you to speak first, and if you want to introduce everyone else to speak. Or, should we go to Tony first? Tony Sanzo.

Mr. Sanzo:

Thank you, Councilman Onorato. And, I want to thank all of you for joining with Councilman Onorato and giving us this proclamation, we absolutely appreciate it. But, what we appreciate more is the fact that Councilwoman McDonald and Councilman Onorato are sponsoring two large neighborhood programs this year as part of Day of Caring, and most, if not all of you, have participated throughout the four or five years that we have been doing Day of Caring as volunteers, which we consider to be absolutely important in your positions of leadership.

Councilman Onorato has summarized very nicely why we are so proud of the Day of Caring, and just to hit a few highlights, in deed, we have been sponsoring Day of Caring here for five years, but what Dan did not say is that, we started with 1200 volunteers, this year he noted in the proclamation that there will be over 6,000 volunteers. After tomorrow we can very comfortably say that we have gathered over 20,000 volunteers who have spent at least one day giving of their time, their energy, their efforts to local neighborhoods and local community needs, at least half of those people never had volunteered before.

The purpose of Day of Caring is three-fold, and one of those things is, at the heart of the mission of the United Way, which is to match resources with peoples' needs and community needs, and most often when we think of the United Way, we think of the annual campaign and the dollars collected and distributed to the community, but that is not the only resource that the United Way brings to our community, and the Day of Caring is a one-day example, if you will, of how we as a community can bond together and make a difference in our own neighborhoods and that day this year we are trying to promote into a year of sharing

and a year of volunteerism, which is the second goal of the Day of Caring.

And, then the third goal is to, in fact, kick off the very important annual campaign, which will start tomorrow.

So, for all of these reasons, we thank you for your recognition, we thank you for your support and we thank you for participating as volunteers in Day of Caring.

The Chair:

Thank you, sir.

Mr. Onorato:

See you tomorrow.

The Chair:

Thank you. As you know, our Standing Committee Meeting will be Thursday this week instead of Wednesday.

Mr. Onorato:

Mr. President, I have one more, and I realize today is almost turning into another Day of Caring, with the length of time on the proclamations.

Well, at this time I would like to have the North Side Food Pantry volunteers come forward that are in the audience. And, I would also invite my colleague, Councilman Udin, since earlier we heard from the East End Councilmen, we are now going to hear from the North Side Councilmen that participate in these types of events. If Councilman Udin can join me in recognizing these young individuals who have given their time for a good cause.

I am going to read the proclamation now.

MESSRS. ONORATO AND UDIN PRESENT

No. 2423 WHEREAS, Christopher W. Banner, Troy W. Banner, Eugene H. Caldwell, Shawn Donald, and Malcom L. Thompson volunteered their time and energy this summer to assist at the Northside Common Ministries Food Pantry; and,

WHEREAS, these children impressed the administrators at the Northside Common Ministries Food Pantry with their willingness to perform very tough physical labor in the sweltering heat; and,

WHEREAS, the children performed all tasks with a pleasant "can do" attitude that endeared them not only to the administrators but also the clients the food pantry serves; and,

WHEREAS, the youngsters put in eight hour days unloading trucks, sweeping and scrubbing floors, unpacking boxes, sorting produce, packing orders, carrying orders for the handicapped and elderly and assisting with whatever task was asked of them; and,

WHEREAS, so often today we hear young people being criticized for not having a work ethic, for not becoming involved in their communities and for not having respect for others. Truly these young people have proven their work ethic, their commitment and their compassion for others.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, commends Christopher and Troy Banner, Eugene Caldwell, Shawn Donald, and Malcom Thompson for their commitment, hard work, and truly outstanding volunteer work with the Northside Common Ministries Food Pantry.

MR. ONORATO moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Onorato:

I just want to personally thank you. I appreciate all the work you do. This really goes to the heart of what all the young people in this City, and I believe majority, do do and do care. And, before I ask any one of you to speak, I am going to ask my colleague, Councilman Udin, to come forward and say a few words, too. Thank you. Councilman.

Mr. Udin:

Thank you, Councilman. I just want to add my words of congratulations and thank you gratitude for the young people who are acting as models to other young people in your community. I am sure you take a lot of ribbing sometimes for the work that you do but the end result is what really counts. If you keep your eyes on the prize and keep focused on the end result of the work that you do, that's what counts. Thank you very much.

Mr. Onorato:

Thank you. And finally, is there someone here that would like to say a few words from the children, or from the youth, or from the Common Ministries? Let's see if you can coax them up, how's that?

Mr. Banner:

No, I think they have been the ones who have been really keeping me up and coaxing me up all year, and I am very pleased and proud of all of them, and I want to thank all the volunteers and everyone for the help and the support that they have been giving the Northside Common Ministries. And, just to look at the young men and there were some young women also who helped us this summer, again, let's look forward to next summer, let's make it even better, and thank you again for all of your support.

Mr. Onorato:

If you could identify everybody else that is with us here.

Mr. Banner:

Why don't everybody come and introduce themselves. By the way, my name is Troy Banner and I am the Executive Director of Northside Common Ministries.

Shawn Donald:

Shawn Donald, volunteer.

Mary Allyson Smith:

Mary Allyson Smith, volunteer.

Chris Banner:

Chris Banner, volunteer.

Gene Caldwell:

Gene Caldwell, volunteer.

Malcom Thompson:

Malcom Thompson, volunteer.

Mr. Onorato:

Thank you. Is there anyone else that would like to say a few words?

The Chair:

Congratulations for all your hard volunteer work. Thank you all. Keep up the good work. Thank you, Mr. Banner.

Mr. Onorato:

Mr. President, there is also one for the record.

The Chair:

One to be read into the record.

Mr. Onorato:

Quickly.

MR. ONORATO PRESENTS

No. 2424 WHEREAS, Mr. James Melvin Lyons was born on August 15, 1918 in the Troy Hill section of the City on Eberhardt Street; and,

WHEREAS, Mr. Lyons has resided on Troy Hill his entire life; and,

WHEREAS, Mr. Lyons attended Most Holy Name Grade School and Allegheny High School and is a member of Most Holy Name of Jesus Church;

WHEREAS, on August 9, 1945, James and June Lyons were married and they recently celebrated their Golden Anniversary. They have six children, four girls and two boys and fifteen grandchildren ranging in age from 25 years old to 15 months; and,

WHEREAS, James Lyons has always enjoyed participating in volunteer work and coached the Little League Baseball team the Dodgers from 1958 to 1962 in West Park on the North Side. Additionally he is a founding member of the Most Holy Name CCD program and has held such offices as Fisher and President. He is also a member of the Member Rotary International; and,

WHEREAS, Jim Lyons has been the caretaker of the Troy Hill Citizens Park for the past ten years. He can be seen in the park daily cutting the lawn, supervising the grass cutters, maintaining the lawn equipment, weeding the park, picking up broken glass and litter, mending the split rail fence, weed whacking, and putting up and taking down the American flag.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates Mr. James Lyons for all his years of dedicated volunteer service to the Troy Hill Citizens Park. Additionally, the Council thanks Mr. Lyons for his loyalty and love of his home, the neighborhood of Troy Hill.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Mr. Doug Hess, if you could please come forward. Thank you for your patience. We have another Day of Caring. How are you doing, Doug? Thanks for being patient.

I am offering this resolution also with my colleague Councilman Dan Cohen, who actually our entrepreneur here is located in Mr. Cohen's District.

THE CHAIR PRESENTS

No. 2425 WHEREAS, Mr. Doug Hess, a local businessman, has embarked on a new business venture in the Bloomfield/Shadyside area with the re-modeling and re-opening of the Baum Blvd. Exxon located at Baum and S. Millvale Avenues; and,

WHEREAS, the Grand Re-Opening Event is scheduled for Saturday, September 16, 1995 from 11:00 a.m. until 2:00 p.m. and will highlight local elected officials and celebrities pumping gas and washing customer windows to help benefit Children's Hospital Free Care Fund; and,

WHEREAS, Mr. Hess will donate 10 cents of every gallon pumped and all proceeds from hot dogs and Pepsi to the Free Care Fund; and,

WHEREAS, WAMO Radio will be broadcasting live from the Exxon station and customers will also be treated to a grand re-opening Coupon Package.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends Mr. Doug Hess, his employees and Exxon for their commitment to help children receive needed medical care;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Saturday, September 16, 1995 as BAUM BLVD. EXXON CELEBRITY PUMP DAY in the City of Pittsburgh

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Mr. Onorato stated that probably every day there is a Day of Caring around the City. We have so much in spirit and element of volunteerism, as the old Mr. Bush used to say, a thousand points of light; well, there really is a lot of light right out in City neighborhoods regardless of whether it is community development, housing development, people working in the merchant and the business corridors. And, I am very proud of having a gentleman here to day, who as a business person has made a commitment to stay in the City of Pittsburgh with all of the burdens, as well as the opportunities that it means, and

when you have a gentleman that is willing to come forward and not only promote his own business but also to think about the young children that are in need of medical care and trying to combine the opportunity of the business re-opening with the unique opportunity to really assist an important institution in our community, and that is the Children's Hospital, which is a world class institution and actually the Free Care Fund has assisted thousands of young people, having raised millions of dollars since its inception. So, I personally just want to thank Doug for his leadership, I want to thank my colleagues and others who will hopefully come out this Saturday, even if it is just for an hour, to help pump gas, and for those all listening in the Pittsburgh audience, try to survive until Saturday, from 11:00 till 2:00, and don't pump up your tank there and fill up your tank until you come down and help contribute to Children's Hospital.

So, at this time I want to say thank you and also introduce Doug to say a few words. Doug, thank you so much.

Mr. Hess:

Thank you, President, and thank you, Council, for recognizing my efforts, and like Mr. Ferlo mentioned, this is an endeavor that we have undertaken to raise some funds for the Free Care Fund. Sitting in the audience today I could not help to recognize that there are so many people out here doing a lot of work for a lot of individuals. We have a lot of spiritual people taking care of the spiritual end, hopefully this will make a little contribution to the medical end. I thank you for the families and the children that will benefit from this. Thanks again.

The Chair:

Thanks much, Doug. I know we're going to get Mr. Cohen out there pumping gas.

Mr. Cohen:

You know it. You know it. As long as I have a uniform.

The Chair:

Thanks you. Good luck.

Mr. Hess:

Thanks again.

The Chair:

Again, if you need gas on Saturday but you would also like to help Children's Hospital Free Care Fund, it is this Saturday at the Exxon Gas Station on Baum Boulevard at Millvale, from 11:00 till 2:00, and you will get a hot-dog and a Pepsi for a buck, that money will go to Children's as well, ten cents on the gallon. So, please come on out Saturday, let's help promote this business in our own community, as well let's really work hard to assist an important institution, Children's Hospital. And, thank you, Mr. Hess, for your patience today.

I believe there are no other motions to be read into the record, are there any? You have a leaflet being passed out now about the event. Mr. O'Connor has a resolution, we will hold that towards the latter portion of the meeting, if there is no objection.

At this time I would like to move to Presentation of Papers. Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 2426 Resolution providing for an agreement or agreements with a consultant or consultants to provide supervisory training for incident command at a cost not to exceed $4,370.00. (Bureau of Fire)

Which was read and referred to the Committee on Public Safety Services.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. HERTZBERG seconded the motion.
Which motion prevailed.

MR. HERTZBERG PRESENTED

No. 2427 Resolution providing for an agreement/s with the United Way of Allegheny County in an amount not to exceed $100,000.00 for the Adopt A park Program. Code Account 4-10-10-0011-90-222-90-10 in the Department of Parks and Recreation.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. COHEN seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTED

No. 2428 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block and Lot 175-D-74, under the Residential Land Reserve Fund.---**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2429 Resolution approving execution of a Disposition Contract by and between URA and Better Block Development Corporation for the sale of Block and Lot 175-D-74 in the 13th Ward of the City of Pittsburgh for $1,000.00 – Residential Land Reserve Fund (residential construction).---**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2430 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated

as Block 174-H, Lots 367, 371, 374, under the Residential Land Reserve Fund.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2431 Resolution approving execution of a Disposition Contract by and between URA and HACP for the sale of Block 174-H, Lots 367, 371, 374, in the 13th Ward of the City of Pittsburgh, for $1.00 plus costs -- Residential Land Reserve Fund (community-center/maintenance facility).—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2432 Resolution authorizing the URA to acquire all the City's right, title, and interest, if any, in and to the publicly-owned property in the 14th Ward of the City of Pittsburgh being designated as Block and Lot 54-F-56, under the Residential Land Reserve Fund.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2433 Resolution approving execution of a Disposition Contract by and between URA and Michael J. Kist for the sale of Block and Lot 54-F-56 in the 14th Ward of the City of Pittsburgh for $500.00 -- Residential Land Reserve Fund (sideyard).—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2434 Resolution authorizing the URA to acquire that property in the 22nd Ward of the City of Pittsburgh owned by Federal North Limited Partnership, and designated as Block and Lot 23-L-80, under the Industrial Land Reserve Fund.—**(MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2435 Resolution approving execution of a Disposition Contract by and between URA and Paula Barnett for the sale of Block 50-L, Lot 56 in the 10th Ward of the City of Pittsburgh, for $1.00 -- Property Management and Maintenance Program and Residential Land Reserve Fund (PMMP Sideyard).—**(MS. McDONALD AND MR. HERTZBERG)**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2436 Resolution transferring the amount of $1,300.00 from Code Account 1001-2, Salaries, Wages and Services of Council, City Council, to C.A. 1001-1, Miscellaneous Services, Supplies, Equipment, et cetera, City Council.—**(SPONSORED BY COUNCILMAN BOB O'CONNOR)**

Which was read and referred to the Committee on Finance and Budget.

MR. ONORATO PRESENTED

No. 2437 Resolution providing for the issuance of a $1604.78 warrant in favor of Pete Mitchell in settlement of claim for auto damage incurred when City Police vehicle struck Claimant's stopped car on February 2, 1995.

Also,

No. 2438 Resolution providing for the filing of a petition or petitions for the

sale of certain property or properties acquired at tax sales, in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

THE CHAIR PRESENTS

No. 2439 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, Regulations Applicable to All Districts, Chapter 993, Exceptions, Section 993.01, Use Exceptions, Subsection 993.01(a), Conditional Uses Permitted by Council Approval, Subsection 993.01(a)A, Location and Specific Requirements, by adding a new Subsection 993.01(a)A(56), Communication Tower.—**(SPONSORED BY MR. FERLO AND MR. ONORATO)**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

Also,

No. 2440 Petition from the residents of the City of Pittsburgh in regards to supporting the Homewood Art Museum , a non-profit Pittsburgh-based organization, whose project is to establish the first African-American Cultural Museum in the City of Pittsburgh.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

The Chair:

I would like to ask for a motion to waive Rule 8 on both bills. The first bill is a zoning change, co-sponsored by Councilman Onorato, involving codifying into law a conditional use process for the issue of communication towers in the City of Pittsburgh, and I would like to waive Rule 8 only because we need a report and recommendation, and move that along.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Thursday.

MR. COHEN seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

That bill will be up Thursday, and again, it is a requirement, public hearing at the Commission, a public hearing here and a report and recommendation from the Commission, so it will take several months for that issue to be considered.

On this latter bill, resolution, we need a motion to receive and file -- what is the second, bill, Linda, the -- well, the second bill, actually, is the petition, it will go on the agenda Thursday.

I would like to recognize my State Legislator, the Honorable Joe Preston, in the audience here today.

Moving right along, is there any matter under Unfinished Business or Reports of Special Committees? Hearing none, moving to the Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No 2441

Report of the Committee on Finance and Budget for September 7, 1995, transmitting sundry resolutions to Council. Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2259

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $22,672.95 to W. Timothy Barry, Esquire, Barry, Fasulo & Hough, 32nd Floor, Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219-1913, in full and final settlement of attorney fees that were accumulated during the representation of Commander James N. Dickerson and the result of the Civil Action brought against him by Carmen L. Robinson to No. CA94-1378."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2351

A Resolution entitled, "Resolution authorizing and directing the Director of

Finance to prepare an inventory, utilizing City personnel, of all tax exempt realty in the City, and forward said inventory to Council no later than September 30, 1995.—**(SPONSORED BY MR. FERLO)**"

Which was read.

Also,

Bill No. 2352

A Resolution entitled, "Resolution authorizing and directing the Director of the Finance Department to prepare an inventory, utilizing City personnel, of all tax delinquent realty in the City, and forward said inventory to Council no later than September 30, 1995.— **(SPONSORED BY MR. FERLO)**"

Which was read.

Also,

Bill No. 2379

A Resolution entitled, "Resolution authorizing the transfer of $5,000.00 from Code Account 1400-1, Premium Pay, to Code Account 1404, Supplies, Bureau of Administration, Department of Public Safety.—**(PRESENTED BY MR. COHEN)**"
Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

I want to thank my colleagues for their support of the first two bills regarding the information requested from the Finance Department on both tax exempt realty in the City, as well as the tax delinquent properties. I will be meeting with the Finance Department regarding information we requested. I believe Mr. O'Connor and others had some additional suggestions at the Committee Meeting. If you have any additional information or a particular format that you would like this information to be made available to Council, please let me know, our Chairman Onorato from the Finance Committee will make sure that the information is forthcoming prior to the budget deliberations.

Any other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. McDONALD PRESENTED

Bill No. 2442

Report of the Committee on Housing, Economic Development and Promotion for September 7, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2350

A Resolution entitled, "Resolution providing for an agreement or agreements with various community organizations for operational/administrative expenses for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $12,000.00.—**(SPONSORED BY MS. McDONALD)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. O'CONNOR PRESENTED

Bill No. 2443

Report of the Committee on Lands, Buildings and Procurement for September 7, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2390

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts for the purchase and installation of three professional broadcast video tape Betacam editing/recording machines to be used by the Department of General Services, Bureau of Cable Communications, for the City of Pittsburgh's Government Communications and Municipal Services Cable Channels, at a cost not to exceed Sixty Thousand ($60,000.00) Dollars."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2444

Report of the Committee on Public Safety Services for September 7, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2380

A Resolution entitled, "Resolution providing for an agreement with organizations for operational/administrative expenses, etc., for the benefit of the residents of the City of Pittsburgh at a cost not to exceed $4,250.00, chargeable and payable from Code Account 1401."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

There were two companion bills in Mr. Cohen's Committee, for the last couple of weeks we have been holding them, on the -- some trust fund in the Police Bureau. There are some questions that I raised. Again, we need the Chief available for Thursday and also a representative of the Controller's Office regarding their fiscal audit of the particular trust fund in question.

So, if the Clerk could please communicate to make sure those colleagues are at the meeting on Thursday.

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, I do want to remind you very quickly, we have a public hearing today at 2:00, please make an effort to be there, it is a zoning re-hearing.

We do want to recess this meeting today in order to meet again Thursday following the Standing Committees Meeting at the request of Mr. Ricciardi. We are trying to move along some ground breaking for some new development on the South Side. But, before we do that, I will call on Mr. O'Connor. Do you have a resolution?

Mr. O'Connor:

Yes. I will read the resolution and I want your support on it. I want to make it clear that this is not pertaining to any investigation or anything, it has been in the papers. Officially we haven't heard anything but in the papers we have read some things going on in the Water Department. This is strictly a follow-up to my post agenda on June 20th. I will read it and then make some comments.

MR. O'CONNOR PRESENTS

No. 2445 WHEREAS, in 1984, the Mayor and the Council of the City of Pittsburgh created the Pittsburgh Water & Sewer Authority in order to have the Authority assume the responsibility for the outstanding and future capital improvements and related debt and, rehabilitation and the City's water system; and,

WHEREAS, the Authority has expended approximately Two Hundred Million Dollars in capital bond funds to make needed improvements to the city's water system including, but not limited to, pumping station renovations, water line replacements, cement relining of existing mains, and infrastructure rehabilitation throughout the city; and,

WHEREAS, on June 9, 1995, the Authority significantly increased consumer water rates in order to maintain obligations to its bondholders and to secure additional bond revenues for the continuation of the infrastructure improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of the people the City of Pittsburgh, expresses its disappointment and regret regarding the Authority's decision to increase water rates by 20% over the next two years and, furthermore, urges the Authority to scale back or eliminate the 9.9% rate increases scheduled to take effect in 1995 and 1996; and,

BE IT FURTHER RESOLVED, in order to lessen the impact of future rate increases the Council of the City of Pittsburgh requests that the Authority take appropriate measures, including, but not limited to reducing the rate of capital spending; institution of a monthly billing system; and, to aggressively market one of the city's most valuable assets - safe drinking water. Council also requests that the Director of the Department of General

Services provide to Council with a copy the report on the PWSA's annual sewer relining contract and, requests that the PWSA provide Council with a copy of the Authority's independent investigator's report upon its completion.

Which was read.

The Chair:

There is a motion on the floor, is there a second for discussion?

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Second discussion. Mr. O'Connor.

Mr. O'Connor:

Thank you. In January we voted and put our trust into this to make this an independent department and authority, and I feel a 30 percent increase is breaking that trust and it is not in the best interest of the people of the City of Pittsburgh. I feel we have been misled, and I strongly urge the Mayor and Council to support this and roll back these price increases.

We have given some suggestions, I have not heard back from the Authority and time is running out. The increase will take effect in three weeks, and I am urging them to sharpen their pencils, there is a lot of work. I am not saying this work is all unnecessary. The biggest suggestion, and I know they have done quite a lot of operational cuts already; in fact, in some cases the operational cuts I have heard from workers are hurting the department, but the capital improvements, we have just spent 200 million dollars in the last ten years, that is a rate of 20 million dollars a year, I feel we cannot continue that. And, this bond issue going out to spend another 80, and I know they raised more money, there's 90 million they have raised. How they scale it back is up to them. If every job is warranted and is justified, then I would suggest they just scale back the timing of it, so they can spread this enormous percent increase to the taxpayers, that we don't get hit all at once with this.

The Chair:

Thank you, Mr. O'Connor. Let me just try to summarize my view very quickly. First of all, I do not support passage of this resolution, but I want to be very clear why. First of all, let me state, unequivocally, I did not support the transfer of the Water Department to the Water and Sewer Authority, I voted no, I wish some of my other colleagues who are making comments now regarding oversight of the Water and Sewer Authority, would have been more deliberative in their actions during the annual budget deliberations and the Cooperation Agreement.

I do not support the resolution because, whatever the motivation or however well-intentioned, I do not think it is really going to achieve anything. What I would prefer and the reason why I am going to vote no, I think we need a very quick formal public hearing, where we could invite the Board and the Director to the table where we can actually, in the public eye and with the cameras rolling, explain to the public, this is the Water and Sewer Authority leadership, the Director

and the Board, allow them an opportunity to reiterate to the public formally the concerns that not only Mr. O'Connor has raised but certainly all of us in this room feel and the public feels and that is the concern and the alarm around continually rising water rates.

I mean we can just take a quick shot and vote on this resolution or we can really constructively try to have some meaningful dialogue with the Water and Sewer Authority, the Administration, Director Cannon and others, regarding the issue.

And, that is why I do not support the resolution, I think it is just going to kind of pontificate on what everybody is feeling anyways, and that is that everybody is upset about rising water rates. I think we need to, very quickly, because Mr. O'Connor states some of these rates will take effect shortly, I would rather suggest that we have a formal public hearing so that we can actually in a public session, understand and have interaction and also complaint with the leadership Board, the governing Board of the Water and Sewer Authority, on this whole issue of expenditure of the capital bond fund to date, on the issue of what their intended rate increases are over the next period of time, either for operational portions of their budget, or intended or future capital projects that they intend to take on, and some of the other operational issues that have come to the public side more recently. I think we owe it to these folks who basically have been appointed by this Council, our Administrative leaders of City Government, as well as others who have agreed to serve on the governing Board.

So, I do not support the resolution because even if it passes, it is not going to mean anything. I would rather suggest that if we are sincere about wanting to address some of the concerns regarding the Water and Sewer Authority, we defer on this resolution and actually conduct a formal public hearing and meeting to allow the kind of interactive dialogue and information session to actually take place.

I know Mr. O'Connor did sponsor an informal post agenda, but I would like to suggest that we ask and conduct a formal public hearing and agree to meet on the issues that have been raised.

Secondly, and just on some other things that are going on now within the Water and Sewer Authority, what I would like to see rather than this meaningless resolution, is that we on this Council, if Mr. O'Connor and others have now reconsidered their earlier vote on giving away any oversight by this City Council, regarding the Water and Sewer Authority, I would rather have us utilize legal resources that we have, to find a way to either amend or bring back some oversight by this legislative governing body, City Council, to the affairs of the Water and Sewer Authority. Now, granted, we never have had any input or authority as a legislative body into the rate increases by the Authority since its inception.

What I would like to suggest, rather, if we are sincere about wanting to provide some checks and balances, I would rather direct our energies to trying to find a way for Council to restore some checks and balances oversight, either re-approving the capital expenditures that they embark on. I am not sure what it is that we could do, including possibly

having this Council and the Mayor have to vote on projected water rate increases, or expenditures in the capital bond fund, things of this nature.

So, again, however well-intentioned this resolution is, I think if we are sincere about getting actually to the meat of the problem and actually having an impact, I suggest we have a formal public hearing to allow the Authority and us to explore these issues; and, secondly, I suggest we utilize some legal resources at our disposal to figure out how this Council and future Councils can wrestle back some oversight into the rate and bond issue and other kinds of issues affecting the Authority.

As far as some of the recent actions, I think, unfortunately, my colleague, Mr. Ricciardi, has unfortunately been characterized in the media incorrectly. If there is investigation that is warranted, and if it is warranted, then let it proceed. I think it is just ridiculous that the Authority Board would expend dollars to spend money on hiring some third-party investigative body that is going to do another redundant review about any allegations or alleged improprieties regarding bidding or the actions of a Board Member or even the actions of Director Cannon. It is going to be a waste of money and the public is not going to feel any more comfortable that it was a true, independent review, anyways. If Mr. Cannon has allegations to make, as he has made them, he has the opportunity to go to the State Ethics Commission, to the Attorney General, to the Mayor, to the F.B.I. or anybody else, and let him do it. Mr. Ricciardi has already explained his position regarding a particular incident on one particular bid and I take him at his word and the hard work that he has done over the years looking at the whole problem involving the Water and Sewer Authority and the water system here in the City of Pittsburgh. If there is an impropriety, then let those who are charged with the task of reviewing any impropriety, do their work, and that is the Federal, State or other authorities, they are the ones who ultimately we should entrust on to review any improprieties, and if there are improprieties, let them take the formal action that they should take, or whatever appropriate action it is.

For the Board to expend dollars hiring some third-part investigators, as far as I am concerned, is a waste of money, it is going to yield yet a duplicative report that Director Miskovich has already done on behalf of the Mayor, it is going to waste money and it is not going to be viewed by the public as being accurate or trustworthy anyways.

So, again, if there is an impropriety, it is Mr. Cannon's responsibility, not only morally, but legally as his duty, the Director, to issue the charge or any appropriate body, whether it be the State, Ethics Commission, whether it be the Attorney General, or anybody else, and let those investigative bodies do their job as they are hired and legally obligated to do. But, I think that this resolution has kind of become muddied down and kind of taking advantage, the media headlines, without really getting to the issues.

I have consistently not voted to add additional mayoral staff to the Water and Sewer Authority Board because I felt we should put independent people from the community, from other corporate private

sector interest on the Authority to create a better system of checks and balances.

So, again, I just, however well-intentioned the resolution is, if we are sincere, as far as I am concerned, let's have a formal public hearing and get at the issues that Mr. O'Connor and all of us have raised. Let's explore legally ways that this Council can regain and re-wrestle back some control and oversight to the Water and Sewer Authority and at least allow the Administration to have their day in court. When I say the Administration, I mean the governing Board of the Authority and Director Cannon.

And, as far as the other muddled issues in the last paragraph, that there is some alleged impropriety, then let the independent agencies that are legally obligated to review these matters take up the charge and do what they need to do. Let's not try and create disharmony and try one of our colleagues around the table here, when there is a proper way to review this matter.

Having had my say at least, I will defer to my colleagues. Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I will be voting in favor of this resolution. I support it. I can only agree with you in one area and that is on the lack of a necessity for some kind of -- alleges independent evaluation of these bidding practices there. I could not agree more with you that there is some law enforcement agency that deems it appropriate that that certainly would be more than a sufficient investigation and the only one that would be necessary.

I would also like to point out another area in which the Water Authority could help a little bit in revenues, that is the area of late fees. For some reason that was never explained to me. Late fees were reduced from one and a half percent per month to three quarters of a percent per month, and being a person that occasionally pays a late fee here and there, I realize that that is a little bit below the market late fee rate. So, there is another area that they can look to in their operations at least to help with their budget.

In addition, what we have been told about their capital budget in the Water and Sewer Authority is that they need to have the bond issues, they need the capital expenditures, in part at least for new developments. I think new developments can by and large be paid for through our Tax Increment Financing Program. Maybe we need a little bit in their budget, but also that is what the intention of tax increment financing is. We are seeing a lot of our big developments going through the tax increment finance process, but some of the funds are actually being used on the projects themselves and not on public improvements. I think we need to see more of a combination. I think all public improvements, when we are talking about streets, when we are talking about sewer lines, when we are talking about water lines, should be through the tax increment finance method, and I think that is a sufficient attraction for developers to come in here and develop housing and commercial uses, because I think if they went elsewhere to develop they would find out that the developer themselves will get assessed with these different costs.

So, in a situation where we are using a tax increment financed bond, both to add to the basic grant almost on a structure, and then in addition also providing the cost of the infrastructure improvements, like the Water and Sewer Authority, the developers are getting an extra hit, they are getting two reasons to be attracted to build, I think one is sufficient, that is that through the Tax Increment Finance Program, we could pay for some of these capital improvements.

The Chair:

Thank you , Mr. Hertzberg. Councilman Onorato. We will have Mr. O'Connor have the last word.

Mr. Onorato:

Thank you, Mr. President. I think that I agree with both you and Councilman O'Connor here. As everyone knows, this is a non-binding resolution, and from the wording of it, I will support it today, but at the same time, I think it would be healthy to have a public hearing or a post agenda to address the issues that you just talked about

But, I just want to clarify a few things, because I believe that we are comparing apples and oranges here, and that is, with the last year's budget process, and the – I think it was 8-1 vote, and you were correct, Mr. President, you are the only one that voted against transferring of some of the employees and equipment over. I am still in full favor of that and I think it was the right move to make, because it created a separate operating unit, and even before that transfer took place, if I am not mistaken, this Council did not have authority over the rate increases, that was still an independent decision by that Board. So, the transfer last year actually had no impact on deciding what rates should be, that was always by that Board. And, I realize you did not say that but I want to clarify that, make sure that –

The Chair:

I did state that also.

Mr. Onorato:

But, it sounded like we gave up a lot more than – that we already had. And, the most important thing for any authority would be the power to raise rates, and that was already with the Authority.

Looking at this resolution, one of the issues I would like to review, when we talk about capital spending, is not so much that we have capital spending, because we are going to need it, the question is, how much, and I am not sure what that number should be. But, my concern is, when you look at the number that is quoted in here and the number that we have all been talking about, the 200 million dollar figure, that is a lot of money, and on one hand I read the paper a few weeks ago, where West View Water Authority just gets permission from Ross Township to build a line to Cranberry. For 200 million dollars you would think we could have a line from Pittsburgh to Cranberry.

My frustration with some of the capital expenditures is, I would be in full support and applaud anyone that would spend the money that was going out their to generate revenue, and that is to sell our important asset, which is safe drinking

water, but you cannot sell it unless we get the lines to these particular municipalities.

And, I would also like to discuss at any public hearing the connection between ALCOSAN and the Water and Sewer Authority. I have been stating this for the last three months, and the connection that I make is that ALCOSAN was developed and it continues to grow as a County Authority. We are constantly adding municipalities because we all recognize the advantages with the economy of scales, everyone sharing in in one facility. We have all these separate water and sewer authorities or water authorities out there, where the Pittsburgh Authority is running at 60 percent capacity or somewhere around that number. We have a lot of excess capacity that we can use, and if we could somehow tap into the municipalities that are using a facility that is located within our municipality, we would also benefit by being able to sell the positive asset, or the safe drinking water to these municipalities. Somewhere along the line this connection has to be made and it will help defer the cost and take it off the backs of just the City of Pittsburgh residents. And, at the same time, the individual municipalities that would pick up our water probably would pick it up at a rate at least comparable to what they are paying right now, and the infrastructure is a pretty modern infrastructure that we would have.

So, there are a lot of issues at stake here. I just think that the other issue that I want to point out that seems to be missed in all the rhetoric that gets thrown around about the Water and Sewer Authority. We transferred the Authority a year ago, the employees and some more of the equipment to make a true operating Authority, and we also talked about this bogus sale, which I refuse to call a sale, because you can't sell to yourself, we transferred over, and as far as I am concerned, we cleaned up the Authority. Everyone might recall, the documents that we received when we talked about this 60, 65 million dollar sale, or transfer, there were additional payments that were factored in since 1984, that totaled almost $400,000.00 through the year 2034. What we were told and what the documents showed us when we voted for this particular transfer is that we had 10 scheduled rate increases that were eliminated the day we voted for that, and they were starting at two percent in 1998, 5.9 percent in the year 2000, then up to 9.10 percent, 13 percent, 15 percent, 17 percent, 19 percent, 19 percent, 20 percent, 20 percent, through the year 2025. All of those rate increases were eliminated with the transfer of this particular Authority, and I think the general public should know that, and these were rate increases above and beyond the ones we are talking about today. These would have been tacked on those numbers. That has been eliminated because we took away a bogus back door tax of $400,000.00, and I applaud both the Administration and the Authority for that particular move.

There are a lot of other issues that have developed over the last couple months. I think it is very legitimate for this body to review the capital expenditure and to review the current rate increases that are in front of us. I believe that some of the amounts might be excessive and maybe can be spread out over a longer time, but most importantly, that increase could be deferred to other payers if we can sell this water, and that is the bigger issue. So, I would hope we get to the bottom of

that by talking about the capital expenditure and what exactly the money is being spent for.

The Chair:

Councilman Ricciardi, and then Mr. Cohen.

Mr. Ricciardi:

Thank you. Thank you, Mr. President, and colleagues. I support the resolution before us in its entirety, including making public any and all reviews and investigations on all bidding practices or a particular contract; however, I would say, Mr. Ferlo, that your idea, your alternative is much more productive and one that needs to be pursued.

We have with us today our Chairman Joseph Preston, and I believe a public hearing and/or a post agenda or a meeting with this body will occur in the very near future.

I have had an opportunity to vote against the rate increases over the past years, including the two that Mr. O'Connor alludes to, and I also voted against borrowing 80 million dollars. However, the challenge is before us, it is before this Council if we decide to take on that challenge, and that is, where does the Authority cut. The Authority has met several goals and accomplishments, that is collecting nearly six million dollars in delinquent payments, something the City in the past, and the Administrations in the past were unable to collect. We also have 50 vacancies, we have a hiring freeze in 1995, and that is something that has never occurred within the Water Department, all vacancies were always filled. So, things are moving on.

I will like to say, there is only one colleague that came into my office, that is Mr. Dan Cohen, over and over and over and have asked me about capital spending, specific projects and some ideas where cuts possibly can be made, and that is a challenge that I give to everyone here, and that is, where can people stop spending, or where does the Authority stop spending. This past meeting we just allocated, I believe $425,000.00 to the ALCOA project on the North Side. We have been very, very instrumental in funding Crawford-Roberts Development, the South Side Development, and also I know there are some things that happened on Nine Mile Run.

So, the challenge before us is not just to bring up the issue but actually to state where the Pittsburgh Water and Sewer Authority can cut back, and I think we should all take on that gavel if we wish to.

Again, I support this in its entirety, but I think we need to be more productive, and I think, Mr. Ferlo, your idea is a very positive one, one that needs to be pursued.

The Chair:

Mr. Cohen.

Mr. Cohen:

Thanks, Mr. President. Let me first say that I do appreciate Councilman Ricciardi's providing me with information and advice on this issue. I do not think there is anybody on this City Council or maybe even City Government that knows

this issue as well as Councilman Gene Ricciardi does, and I also want to commend him for his votes against rate increases in the past, including this rate increase.

I know that there are a lot of issues out there when it comes to the Water and Sewer Authority, certainly, but this resolution really should narrow in on the one issue, and that is the 20 percent increase that was voted on by the Water and Sewer Authority Board over the next two weeks. We can go back and rehash old issues if we want, but, first of all, I stand in full support of my vote in transferring the infrastructure over the Water and Sewer Authority for the reasons that Councilman Onorato mentioned. But, as far as this rate increase is concerned, I made my position strong and clear at the post agenda meeting last time, and that was my strong opposition to it. I know that there has been discussion and I appreciate the fact that Chairman Joseph Preston is here today, but my view is that that rate increase is too much, too soon and it will be too harmful to Pittsburgh residents. What it does is it increases, it just continue -- it accelerates this vicious cycle, where people cannot afford to pay it, therefore, they leave the Pittsburgh region, which means there are fewer people left to be able to support services for our City. It also is regressive and falls disproportionately on the poor and middle class. I realize that there have to be capital projects to maintain that infrastructure and to expand it, but my recommendation and my strong urging of the Water and Sewer Authority Board, today, as it was at the post agenda meeting a couple of months ago, was to extend that over a longer period of time, in which case these rate increases will not be as burdensome. I do think that there have to be capital projects that can be held off for some period of time, so that instead of a 20 percent increase over two years, we have a much lesser increase over more years.

Secondly -- and this is a subject that has been mentioned here -- but we have a great product here, and that is some of the best water you can find anywhere in the country, and because of that we need to be more aggressive in selling that product. That will bring more revenue in and preclude any major rate increases in the future.

So, for those reasons I support this resolution.

The Chair:

Thank you, Mr. Cohen. Councilman Udin.

Mr. Udin:

Yes. I was not here when the City sold the water system to the Authority and so I am not certain exactly what impact that sale may or may not have had, but I heard the President's comments on it, and it just reminded me of the need for us to clearly distinguish among the issues that we are facing. We have, one, a rate increase issue; we have a separate issue of the sale of the City system to the Authority, and we have a third issue of the current investigation of contract irregularities.

One, I think that we -- it is important that we develop a way to independently, for our sake, as Council, assess the legitimacy or illegitimacy of the increase justification and alternative ways,

as Councilman Cohen has been pursuing, alternative ways of savings as an alternative to rate increases, rather than just our relying on the reports and recommendations of the Authority staff.

Secondly, I think that it would be important and helpful to the process regarding the investigations of contract irregularities, that we be prudent in our comments and not further politicize and intensify an already very unfortunate situation. I just think that we need – I do not know why that issue had to be included in this resolution on the rate increase. I would support the portion of the resolution that has to do with expressing our disappointment about the rate increase and calling for them to – the Water Authority to find different ways of cutting back in savings and saving money instead of increasing the rates, but then to add in additional language that gets us into looking at the reports about the investigation going on I think tends to pollute the issue of increased rate justification.

The Chair:

Thank you, Councilman. Again, I just want to reiterate and then I will defer to Mr. O'Connor as the sponsor of the resolution.

Again, I am just as concerned, I have expressed alarm as every rate payer has about the rising rates proposed by the Water and Sewer Authority. So, I think that is a chorus that everybody is singing here. But, I think in passing this kind of non-binding resolution, it's basically we're giving the rate payers an empty glass of water. I am suggesting rather than just pass this resolution, which, in effect, doesn't do anything, other than get a couple headlines, I am suggesting, if we are sincere about wanting to actually have interaction with the governing body and either through discussion or through polite confrontation, go through with them all the different issues, including Mr. Hertzberg's issue about the late fee issue being a way to raise additional revenue, what that issues brings; Mr. Onorato's concern about why there cannot be a marriage of some sort between ALCOSAN issues and the operation of the independent Pittsburgh Water and Sewer Authority, as well as all the other issues that Mr. O'Connor himself has raised in the resolution: What is the capital spending plan, can it be curtailed, should it be done in a different way, and all the other issues you raised I wholeheartedly support. My concern is we are just going to have the resolution, it will pass and not much more will come of it.

So, I am suggesting rather a tactical level, in terms of the legislative body being truly an advocate for the rate payers, both residential and commercial, that we have the kind of face to face interaction. I might also state that we are already expending over half a million dollars on a very elaborate study going on right now that is going to look at the whole issue that I have been raising the seven years I have been here about the whole issue, the existing water distribution system, the issue of the 60 percent of a capacity, and whether or not we really should be expending some of the capital dollars we have on a very large system. I think it is really time now, a hundred years later, after the system was initially servicing 700,000 businesses and residents, to really look at whether or not we want to maintain from a capital point

of view, the infrastructure that currently exists and makes up the water system that we have.

I would suggest that we, as part of our interaction through a public hearing with the governing Board, reflect on what the outcome of that consultant study is going to be. I mean it is not only just looking narrowly at the reservoir, our covering issue, it is looking fundamentally at the issue of the water distribution system and what actual capital projects that we need to embark on.

And, I might point out, just to clarify, the 200 million dollars is gone. The 200 million dollars has already been expended. I mean if anything we could ask for a performance audit regarding the expenditure of those dollars and maybe the Authority itself has or is in the process of conducting that, maybe there is a way for our own City Controller's Office to work on that issue. But, that 200 million dollars has already been expended and gone, I would rather concentrate on what the future capital construction plan is going to look like.

And, my only comment earlier, in response to Mr. Onorato, was that in transferring initially the Water Department to the Authority we did give up some oversight in terms of having the Director on a weekly basis at a Standing Committees Meeting, the Director of Water, Director of the Water and Sewer Authority; we had an ability through the budget deliberations to review through the Engineering and Construction Department the annual capital projects of the Water and Sewer Authority, and my point earlier was that that has been removed.

Having said that, let's let the sponsor, Mr. O'Connor, kind of sum up his position and then we will move on the bill. Mr. O'Connor.

Mr. O'Connor:

Well, I would like to thank most of my colleagues for their support, and I would like to make a few comments. The bottom two lines are probably not essential but I think it is important that we are at least kept abreast of anything going on, as far as an investigation. And, I agree with you, Mr. Ferlo, I think it is a waste of time and money, that the Department does investigate itself, when those things are going on any how. But, before we put that on, I confronted – I talked with Mr. Ricciardi and he agreed that it should be in. So, I do not want to enter that into a -- muddy the waters. If it wants to come out, I would have no problem with that but he agreed to keep it in.

The emphasis, again, is on the 20 percent increase. And, we have addressed a lot of things, selling the water. I have heard about selling the water since I have been on Council, as Mr. Onorato, he and I came together, the old Director, the new Director is talking about it. I think it is time to act. Maybe they need professionals that know how to sell and market the water because we do have a good product.

Mr. Ricciardi did mention there are a lot of good things, they have made some good cost cutting and held up 50 empty positions. So, there are a lot of good things happening with this Water Department.

And, Mr. Cohen I think mentioned basically the same thing, our meeting wanted to extend -- we are not saying

don't do the capital improvements, because I do not know – I do not have the ability to go under ground and know what is there, experts do. I think the best thing to do is extend that, don't spend the money all at once to cut back.

And, Mr. Hertzberg came up with another I think good plan. Of course, when Mr. Ricciardi mentioned the ALCOA Building, the South Side, future Nine Mile Run, these are good projects that, by the way, the money will come back within four years. It has been stated publicly by the Budget Department, that if we invest in these developments, said that they would be paid back in four years. So, that is good. If it is a four-year loan out, then these things should be cut in four years. I do not think that happens.

Mr. Hertzberg's suggestion that the tax increment financing would help support that is I think a better idea than going out and spending all this money and putting a 20 percent increase on.

I have brought this up – and if you are accusing me of being political, so be it. I have given the opportunity, I felt, the opportunity for this Authority to respond before. My next step is certainly a public hearing, and the step after that if something isn't done is to go public, is to look at the legal ramifications, and as you remember in our discussion when I supported this transfer over, I said to you, what – in the meeting, if it doesn't go right, we can bring it back, and that is something we can look forward to.

Again, I do not – politics isn't going to be anything normal. You got a businessman in here. And, if you forgot that, on June 20th I held a post agenda, televised, it cost money, we spent a lot of time, the department heads were here, the Director Cannon, Mr. Preston, and most Board Members were here. Everything we talked about in that meeting is just what you went over. I don't know if anybody here was paying attention. It was brought before them. We were – requested a five-year plan, a way to lower capital expenditures, a way to cut the nine percent this year – isn't it odd that it is 9.9, instead of – they sound like marketers. 9.9 for two years, which last year we seemed to miss that it was 14 percent. Two increases last year. So, we are talking about 34 percent increase. We had that post agenda, I asked for answers, the answers aren't here.

I am bringing this up, timing wise because October 1st, they have an opportunity to scale this back and they also have next year to look at it. If you want to continue, if you really want to make – and everybody in my neighborhood – I can bring 500 people down here for a public hearing and they will tell you the same thing I am saying, they will not accept and they do not want this water increase to go up. If you want to take all their time and money and play politics and put on a show, we can always bring them down. I will pay the buses and we will bring them all down. That can happen. I try to do a public – I had a post agenda meeting, I had it televised so the public knows what we are doing here. This is what is missing in politics today. What I am doing today is follow-up. The word follow-up is not in the political – you get your cheap headline and you forget about it. This thing would have – if I didn't put this in, this 9.9 percent increase would have went in October 1st, and not a word would have been said.

I am here saying right now, and by your support and your votes -- with or without yours, Mr. Ferlo -- that this Water Authority should roll back those prices and consider the things we talked about and they talked about and they agreed on a lot of it. So, it is time they -- they have two or three weeks to respond, if not, then we will put on show time. I will bring a couple hundred people down for the public hearing, whether you call it or I call it, and then we can proceed to eliminate this Water Authority and bring it back into the City where the voters, the people that elected us, we will have the guts to raise it, or lower it, or whatever goes on. We just pass it on to Authority Members, or Board Members, who are, I agree, two nice politicians and three bean counters, and they will vote any way the Mayor says. So, this is not a political move. I hope they pay attention to this, and I have a lot of respect for my colleague here and Mr. Preston and I hope they pay attention to this because they have not since June 20th. Time is running out.

The Chair:

Thank you, Mr. O'Connor. Any other discussion? All in favor of the resolution?

WHICH MOTION PREVAILED.

The Chair:

Opposed. I just want my objection noted, as in my earlier statement. Thank you very much.

Any other matter to be brought before the body? Councilman Udin.

Mr. Udin:

Yes. I just want to announce to my Council colleagues, the Press Conference that was held this morning by the Mayor's Office to announce the second shoe dropping in the Blue Cross/Lazarus deal, the Mayor's Office and the Urban Redevelopment Authority and Oxford Development and all of the other players in this whole proposal to revitalize Downtown, have been able to finalize the agreement to purchase the property at Fifth and Wood in order to house the Lazarus Department Store, and Lazarus has also -- Federated, which owns Lazarus, has committed and signed on the dotted line, and so the whole package now of moving Blue Cross into the current Lazarus site, rehabilitating that site and acquiring the site at Fifth and Wood, demolishing the property there and then building a new Lazarus site there, all of that is in place and will provide important growth and revitalization for Downtown. It is particularly important to me as well because it provides an opportunity for not just the growth of certain sections of Pittsburgh but for the growth of all of Pittsburgh. The Mayor, the Urban Redevelopment Authority, Oxford Development, Blue Cross and Lazarus, have all committed to significant minority participation in contracts, in construction employment, in employment at Blue Cross, once it is finally opened up, in employment at Lazarus once it is finally opened up, and also very importantly, we are working on getting increased commitments for minority participation in the building trades. There used to be a lot of energy and focus on minority participation in building trades in this City and it has slacked off recently, but we are re-energizing that fight and we intend to

increase the opportunities for apprenticeship and other participation of minorities in building trades and actually working on the jobs. So, I am very pleased with the announcement of the Lazarus site and I look forward to the support of my colleagues on this project as well.

The Chair:

Thank you, Councilman. As you know, there is a bill up Thursday, the first initial bill, regarding this whole issue.

Any other discussion or other points to be brought up? Councilman Cusick would like the Clerk's Office to assist him in scheduling a post agenda on the Pioneer Avenue landslide situation, the Administration's work regarding that issue, and he had to leave for another meeting but he would like your assistance in scheduling that.

We need a motion to approve the Minutes and also a motion to recess this meeting and meet again on Thursday, September 14th. And, please remember, we have a public hearing this afternoon. Thank you.

MR. COHEN moved to approve the Minutes of Tuesday, September 7, 1995.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. COHEN moved to recess this meeting and meet again after the Standing Committees Meeting on Thursday, September 14, 1995.

MR. UDIN seconded the motion.

Which motion prevailed.

And on the motion of **MR. COHEN**

Council recessed.

Pittsburgh, PA
Thursday, September 14, 1995

And the hour of recess having expired, Council reconvened.

The Chair:

Thank you, colleagues. I would like to call to order the Recessed Legislative Session of this week for purposes of voting on two bills. And, at this time I would ask the Clerk to please read Bill 2200.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED

Bill No. 2447

Report of the Committee on Finance and Budget for September 14, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2200

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 12, by changing from "M3" Light Industrial District to

"CP" Commercial Planned Unit Development District all that certain property having frontage on the southerly side of Wharton Street between South 20th Street and South 21st Street, 17th Ward.— **(COUNCIL DISTRICT NO. 3)"**

Which was read.

The Chair:

This is the Committee of Councilman Udin, and then this bill represents a bill in Councilman Ricciardi's District. You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Ms. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Under Committee on Lands, Buildings and Procurement, Bill 2446, the amendment to the auction of the City Art Bill. Could you have the Clerk please read the bill.

MR. O'CONNOR PRESENTED

Bill No. 2448

Report of the Committee on Lands, Buildings and Procurement for September 14, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2446

A Resolution entitled, "Resolution amending Resolution No. 130 of 1995, as amended by Resolution 292 of 1995, approved April 25, 1995, which authorized and directed the Director, Department of General Services, to conduct a public auction to sell certain Bureau of Cable Communications set accessories, by requiring opening bids to be at least 50% of the original purchase price.— **(SPONSORED BY MR. FERLO)"**

Which was read.

The Chair:

You have heard the reading and title of the bill as amended to facilitate the art auction, is there any discussion on the bill? Mr. Ricciardi.

Mr. Ricciardi:

I will just be very short. This has been initiated by Council President Jim Ferlo, I think it is a good idea, I think we should rid ourselves of this excess art and props that we have for our television station. I think it was just a waste of the franchise fee.

The only question I have, Mr. Ferlo, is the money should go back into the Franchise Fee Fund, or --

The Chair:

The money right now goes back into the Communications Trust Fund.

Mr. Ricciardi:

And that is where it belongs. Thank you.

The Chair:

Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Ms. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees. Are there any other matters to be brought out under Motions and Resolutions? Any other points?

MOTIONS AND RESOLUTIONS

The Chair:

Mr. O'Connor.

Mr. O'Connor:

I just want to let you know, there is a public hearing at 2:00, and it should be short, if everybody could make it.

The Chair:

Yes. We will, unfortunately, have to start the public hearing a little bit late today, but hopefully it will go short.

Hearing no other discussion, I will entertain a motion to adjourn.

Mr. Ricciardi:

So moved.

MR. O'CONNOR seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of **MR. RICCIARDI**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *September 19, 1995* *No. 36*

Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, September 19, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

I think it is appropriate that the formal public record of our City reflect the passing of our friend, of our colleague, of a public servant for over 40 years, best known as the Mayor of North Side, as Councilman Onorato rightfully described. That is Bernard "Baldy" Regan, a humanitarian and certainly someone who the young people and the youth of our City will sorely miss. And, "Baldy", we all miss you and our hearts go out to your family also.

We are very pleased to have a young lady here this morning, Carla Dicianno, she goes to the Immaculate Conception School in Bloomfield. She is in the 8th Grade. Her mom is here, Rose. She is from my Council District, and she is going to lead us in the Pledge of Allegiance. Carla.

Carla Dicianno:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you, Carla. I appreciate you and your mom coming down here today. Our City Clerk would like to present you with the flag of our great nation and the flag of our City. And we want to thank you for coming Downtown today to lead us in the Pledge. Thank you, Rose.

We also have our honored Register of Wills here today, Mr. Jay Costa. Welcome. We always like to

recognize our public officials, especially the County leadership. Welcome this morning. And another public official is Mom Louise, who needs no introduction to these Chambers, nor to Grant Street or Ross Street. Welcome, Mrs. Costa.

At this time I would like to move directly to some of my colleagues. We have a number of honored guests in the audience today. And at this time I would like to call on Councilwoman McDonald.

Ms. McDonald:

Mr. President, no presentations, but to be read into the record.

The Chair:

Thank you, Councilwoman McDonald.

PRESENTATIONS

MS. McDONALD PRESENTS

No. 2446 WHEREAS, on Saturday, September 16, 1995, the Pittsburgh Council on Public Education, along with Pittsburgh Public Schools and the Urban League of Pittsburgh, will sponsor a free seminar at Schenley High School entitled, "Our Schools: In Our Hands, Leadership Training for Parents and Community Members"; and,

WHEREAS, the mission of the Pittsburgh Council on Public Education is to ensure that every child in Pittsburgh receives the highest quality of public education possible; and,

WHEREAS, for more than thirty (30) years, the Pittsburgh Council on Public Education has been a catalyst for quality education by encouraging community dialogue and input on critical educational issues and by creating opportunities for the people of Pittsburgh to actively work together to achieve excellence in every public school within our city.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes September 16, 1995, as "Pittsburgh Council on Public Education, Parent and Community Leadership in Our Children's Schools Day"; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends the Pittsburgh Council on Public Education on their efforts to educate the parent as well as the child.

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2447 WHEREAS, the Zonta International Club is a worldwide service organization of executives in business and the professional world working together to advance the status of women; and,

WHEREAS, the Zonta Club of Pittsburgh is one of more than 1,100 Zonta Clubs in approximately 65 countries where there are 36,000 members; and,

WHEREAS, the Zonta International service project, "A Circle of Caring Through Literacy," empowers women by teaching them to read. The worldwide goal through 1995 is to reach 200,000 people through literacy and to have 750 Zontians and friends of Zonta teach others to read; and,

WHEREAS, the Zontas Club of Pittsburgh has joined Zonta International in an effort to promote literacy locally and internationally. The Zonta Club of Pittsburgh is seeking opportunities to collaborate with other local organizations to promote literacy.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the Zonta Club of Pittsburgh for their undying commitment to empower women through literacy.

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2448 WHEREAS, on Friday, September 22, 1995, the University of Pittsburgh School of Dental Medicine will celebrate their 100th Anniversary; and,

WHEREAS, in September of 1896, the Pittsburgh Dental College opened its doors for the first time to aspiring dentists who had completed one year of High School and paid a $5 matriculation fee; and,

WHEREAS, in 1909, the for-profit Dental College Corporation was dissolved in order to become the School of Dentistry at the University of Pittsburgh; and,

WHEREAS, in its first century, the University of Pittsburgh School of Dental Medicine has numerous accomplishments including but not limited to; being cited for excellence by the Carnegie Foundation for the Advancement of Teaching in the Gies Report, opening a full time Cleft Palate-Craniofacial Research Center, and providing Pittsburgh High School athletes with mouthguards through a special clinic.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the University of Pittsburgh School of Dental Medicine for a Century of Excellence.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares, September 22, 1995 as "University of Pittsburgh School of Dental Medicine Day" in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Will all the people from Adult Day Care Centers please come up. We have representatives from the Vintage Adult

Day Care Center, Council Care Riverview, the Hill House, Adult Care Center of Brashear. And, Leslie, I will present this to you and then you can bring different members up to say a few words.

MR. O'CONNOR PRESENTS

No. 2449 **WHEREAS,** there are over 3,000 Adult Day Care Centers nationwide serving the needs of impaired adults, both young and old. Adult Day Care Centers provide a safe and positive environment for these individuals and support for their family care givers; and,

WHEREAS, there are over 30 licensed Adult Day Care Centers in the Greater Pittsburgh area serving the needs of hundreds of Pittsburgh residents; and,

WHEREAS, Adult Day Care Centers offer necessary health maintenance, social programs and, recreational activities in a warm and loving setting, and,

WHEREAS, Adult Day Care Centers provide the helping hand to family care givers who would otherwise be forced to give care on a 24 hour basis or have their loved ones institutionalized.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend all Adult Day Care Program providers for their efforts and, extends its deep appreciation to all of those individuals, institutions, and agencies which make Adult Day Care programs possible; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim September 17th through September 23rd, 1995 as **NATIONAL ADULT DAY CARE CENTER WEEK** in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And I would like Leslie Fennewald from Vintage Adult to come up and receive this and then introduce some of our guests.

Ms. Fennewald:

Thank you very much, Mr. O'Connor, and City Council. Adult day care is such a valuable resource for so many people in the City of Pittsburgh, and we really appreciate your continued support.

From Vintage Adult Day Care, we have one of our participants, Marie Lukas, and her daughters Marie and Rosalie. And we have some other centers here. Sue, come on up.

Ms. Erikson:

I am Sue Erikson from Hill House's Adult Day Care Center, and we have one of our participants, Marie Saunders, is with us today, who is going to celebrate a 90-something birthday next week, and her daughter, caregiver, Delores

Bridgeport, who would like to say a few words.

Mr. O'Connor:

Delores, come on up. Do you want to bring your mother with you? Come on over with her, so we can get a picture for your 90th birthday.

Ms. Bridgeport:

Ninety-second.

Mr. O'Connor:

Ninety-second. Wow.

The Chair:

Oh, okay, don't forget that second. Go ahead.

Ms. Bridgeport:

On behalf of my mother and myself and especially Hill House Adult Care, I wish to thank everyone. But, first of all, I want to say that to me the day care is so beautiful because it enables me to get out and do things that otherwise I could not do. And to Sue Erikson, I really want to thank her, because when my mom leaves home and goes to the day care, I do not have to worry because I know that she is in good hands, and when someone is in good hands, you have peace of mind. Thank you.

Mr. O'Connor:

We have Cathy Niederberger, with her mother, here. Come on up, Cathy.

Ms. Niederberger:

I just wanted to say that we are very grateful to be here on behalf of Adult Day Care. A lot of you City Council people are young, so if you are not dealing with it yet, you are going to be dealing with aging parents and you have to face some tough decisions. With my mother, about four years ago – she's going to hate me telling you this, but she started getting forgetful, and it was very funny and we would share stories, and then after a while we realized it wasn't funny any more and there was a problem, and she ended up being diagnosed with a form of dementia, which means that sometimes she forgets things. And we wanted to make sure that during the day while we were at work she was well taken care of, we decided on the Henry Kaufmann Center's Allentown Day Care, which is part of South Side's Brashear Association. They take good care of her all day, it gives us peace of mind and we are very grateful, and we hope you all appreciate all the adult day care centers in the City and continue to give them your support. Thank you.

Mr. O'Connor:

And Rosalie Keiffer and her mother here. Do you want to come on up. Come on, bring your mother up.

Ms. Keiffer:

On behalf of myself and my family, I am very grateful to Vintage, the Adult Day Care Center, because it does give us total peace of mind knowing that my mother is safe and in a good place while we are not there with her, and thank you.

The Chair:

Thank you.

Mr. O'Connor:

And from Council Care Riverview, we have Mirel Posy and JoAnn Onda, and I can assure you they take good care of my Uncle Buddy, he goes every day, so–

Ms. Posy:

Thank you. Hi. This week as part of Adult Day Care Week, Council Care is having an open house on Thursday, the 21st, from 9:30 till 11 o'clock in the morning, and Sally Wiggins is going to be the toastmaster, and we would appreciate if anyone who is interested or supportive of adult day care, please come and visit us and see what a beautiful center and a beautiful service adult day care provides.

I would like you to hear from JoAnn Onda, who is a caregiver, who sends her mother to our center.

Ms. Onda:

First of all, I would like to thank the staff of Riverview Center for Jewish Seniors, they are very genuinely caring, concerned people, and I am very happy that I got my mother involved in the program. I was a little leery about sending my mother out of the home because she is 85 years old and is a stroke patient, but since she has been involved in the program, she is stimulated both mentally and physically, is more alert and looks forward to her days there. She says they keep her very busy, and she is much happier. And it also has relieved me from the pressures and burdens. I take care of my mother 24 hours round the clock, and it has given me the opportunity to get out and take classes at the University of Pittsburgh. And I really appreciate all the help that they have given me. Thank you.

Mr. O'Connor:

Again, I want to thank everyone for coming down. I think the attention – not only this is a thank you for all the work that they do, but I think it is an attention to a lot of people who cannot make that decision. I know it is a hard decision but it certainly helps everybody, whether they go to school, work, and as you said, it is good for our parents to get out, too. So, I want to congratulate and thank everybody for all the work, and I know it is sponsored by – all Councilmembers here support this.

The Chair:

Thank you all. Councilman, do you have another proclamation.

Mr. O'Connor:

I have one more. Would Mr. Jim Cordy please come up. Well, Jim, I have a proclamation. Jim is a good friend and neighbor, and I would like to read this proclamation, he is doing an excellent job, concerning Parkinson's Disease.

MR. O'CONNOR PRESENTS

No. 2450 **WHEREAS,** Parkinson's Disease is a chronic, progressive neurodegenerative disorder affecting as many as 1.5 million

Americans and about 14,000 Southwestern Pennsylvanian's; and,

WHEREAS, the Tri-state/Pittsburgh Chapter of the American Parkinson Disease Association received its Charter in November 1994 , and its President, Jim Cordy, a 48 year old Parkinson patient is actively seeking new members and support for Parkinson Disease research funding; and,

WHEREAS, the two main goals of the Association's Pittsburgh chapter is to increase the public's awareness of Parkinson Disease and to raise funds for research to find a cure; and,

WHEREAS, there are 15 Parkinson Disease support groups in the area, the newest one is located in Squirrel Hill to serve Pittsburgh's East End neighborhoods, and additional support groups are planned to serve the needs of residents throughout the city.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Jim Cordy for his effort and initiative to create the Pittsburgh Chapter of the American Parkinson disease Association and extends its thanks and appreciation to all of those who are working to support those afflicted with Parkinson Disease and devoting their time and energy to raise funds to find a cure.

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh supports the important mission of the Pittsburgh Chapter of the American Parkinson Disease Awareness Week in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Here, Jim, do you want to take this, and I know you have a lot of exciting things going on.

Mr. Cordy:

Thank you. One of the real challenges in the Parkinson's arena is raising awareness of the community of the problems. We had a symposium in Washington a while back entitled, "Invisible No More", and that indeed is what we are trying to do, make this disease invisible no more. Efforts such as this bring attention to that, and I thank you.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you. Before you leave, Jim, and Councilman, let me just commend Councilman O'Connor for bringing in his constituent Jim Cordy. I know Jim and I just wanted to take a moment to say that I think he is a perfect example of showing how nothing can stop you from reaching your goals, including Parkinson's. You have been so active in the community, you and your wife Debbie, on many, many different projects, beginning with a project

to oppose over-development in the neighborhood, which Councilman O'Connor led the effort here on Council. So, congratulations for your effort on Parkinson's and we wish you the best of luck.

The Chair:

Congratulations. I believe one more to be read into the record.

MR. ONORATO PRESENTS

No. 2451 WHEREAS, Mr. Justice Hugh O'Flaherty, is the Senior Justice for the Supreme Court of Ireland; and,

WHEREAS, Mr. Justice Hugh O'Flaherty was born and raised in County Kerry, Ireland; and,

WHEREAS, he was admitted to the bar as a barrister in 1959. He soon earned the reputation of being an expert lawyer and orator. In 1990, he was appointed to Ireland's highest court, its Supreme Court; and,

WHEREAS, Mr. Justice O'Flaherty is regarded as one of Ireland's most esteemed jurists; and,

WHEREAS, Mr. Justice O'Flaherty is a most extraordinary man. He has a keen intellect, a stellar character and a sparkling personality. He has distinguished himself as a superb jurist and as a man above reproach in his dealings with all.

WHEREAS, Mr. Justice O'Flaherty is a wonderful friend of the Law School at Duquesne University and of the people of the Pittsburgh community;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh is most privileged to welcome Mr. Justice O'Flaherty to Pittsburgh...as a special guest and as our dear friend.

MR. ONORATO moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

Welcome, Mr. Justice. Any other matters to be read and adopted? Hearing none, we will move to Presentation of Papers, calling on Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

Thank you, Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 2452 Resolution authorizing the transfer of $90,000.00 from Code Account 1400-1, Premium Pay, to Code Account 1443-6, Police In-Grade, Bureau of Police, Department of Public Safety. (Interim approval was granted September 7, 1995). **(PRESENTED BY MR. COHEN).**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2453 Resolution amending Resolution 478 of 1995, entitled, "A Resolution providing for new and/or existing agreement/s and/or contract/s for the purchase of software, maintenance and related equipment for tripsheets for ambulance services," by changing the funding source from the Department of General Services Miscellaneous Equipment Code Account to Emergency Medical Services Trust Fund, and by decreasing the amount from $100,000.00 to $85,138.00.

Which was read and referred to the Committee on Public Safety Services.

Also,

No. 2454 Resolution authorizing the transfer of $83,000.00 from Code Account 1457, Purchase of Uniforms and Equipment, to Code Account 1448, Police Miscellaneous Services, Bureau of Police, Department of Public Safety. **(PRESENTED BY MR. COHEN).**

Which was read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED

No. 2455 An Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 773, Sunday Activities, by repealing Chapter 773.— **(SPONSORED BY COUNCILMAN ALAN HERTZBERG)**

Also,

No. 2456 An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 777, Amusement Devices, by making various changes, deletions and additions.— **(SPONSORED BY COUNCILMAN ALAN HERTZBERG AND COUNCILMAN ONORATO)**

Which were read and referred to the Committee on Public Safety Services.

MS. McDONALD PRESENTED

No. 2457 Resolution amending Resolution No. 1224, effective November 1, 1993, entitled, "A Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the Rehabilitation and Modernization of Housing for Low and Moderate Income Persons Program, at a cost not to exceed $1,004,000.00" by decreasing the amount to $904,000.00. **(PRESENTED BY MS. McDONALD AND MR. FERLO).**

Also,

No. 2458 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District, providing for the financing, monitoring, implementing and terminating of the Penn Liberty Plaza Tax Incremental Financing District. **(PRESENTED BY**

MS. McDONALD AND MR. HERTZBERG).

Also,

No. 2459 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District, providing for the financing, monitoring, implementing and terminating of the Center Triangle Tax Incremental Financing District. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**

Also,

No. 2460 Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the Penn Liberty Plaza Tax Incremental Financing District, and making certain findings. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**

Also,

No. 2461 Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the Center Triangle Tax Incremental Financing District, and making certain findings. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2462 Resolution providing for the hiring of an attorney to act as legal advisor to Council in order to bring a lawsuit in the Court of Common Pleas of Allegheny County against the PWSA, challenging the reasonableness of the two consecutive 9.9% annual water rate

increases enacted by the PWSA, and providing for the payment thereof of $5,000.00, chargeable to and payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, City Council.—**(SPONSORED BY MR. O'CONNOR)**

Which was read and referred to the Committee on Finance and Budget.

MR. ONORATO PRESENTED

No. 2463 Resolution providing for the transfer from various General Fund Salary Code Accounts to General Fund Code Account 57-1, Retirement Severance Pay - Sick Leave, the aggregate amount of $490,099.00. (These transfers are necessary to ensure that the City's obligations to retiring employees are met for the 1995 Budget Year.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2464 Communication from Barbara M. Parees, Director of the Department of Personnel and Civil Service Commission Employment and Training Grant Administration, requesting approval

for John Turyan, Chair, Pittsburgh Private Industry Council (PIC), non-City employee, to travel to Washington, D. C.

from October 13 through 15, 1995, to attend the National Association of Private Industry Councils Board of Directors Meeting. Total cost not to exceed $642.00, chargeable to and payable from the JTPA-1 Trust Fund.

Which were read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2465 Resolution transferring the amount of $8,000.00 from Code Account 1545, Street Lighting, to Code Account 1728-1, Premium Pay, both accounts within the Department of Public Works. (This transfer is necessary to meet current premium pay expenditures). (Interim approval was granted August 21, 1995). **(PRESENTED BY MR. RICCIARDI).**

Which was read and referred to the Committee on Finance and Budget

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2466 Resolution amending Resolution No. 457, effective June 27, 1995, entitled, "Providing for a contract or contracts, or use of existing contracts, for the purchase of a 100 ton truck scale to be furnished and installed at Heth's Run Dump Facility," by increasing the total allocation by $5,000.00 from $30,000.00 to $35,000.00.

Also,

No. 2467 Resolution granting unto Paparazzi Ristorante, 2100 East Carson Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on S. 21st and East Carson Streets in the 16th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 2468 Resolution granting unto the Duquesne Club, 325 Sixth Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, an exhaust systems and platform to encroach on a portion of the right-of-way on Coffey Way in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2469 Resolution approving a Conditional Use Exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V. Chapter 993, to Duquesne University for authorization to construct a two-and-three-story, 600-space addition to the Locust Street Parking Garage and a 15,000 square

foot extension to the Student Union Building for use as a bookstore, both on

the campus of Duquesne University, located at 1000 Forbes Avenue, on property zoned "I-C" Institutional-Civic District, 1st Ward. (COUNCIL DISTRICT NO. 6)

Which was read and referred to the Committee on Planning, Zoning and Land Use.

THE CHAIR PRESENTED

No. 2470 Communication from Paul Hennigan, Director of Finance, submitting the deposits and the market value of securities pledged as collateral by City of Pittsburgh Depositories for the month of July 1995.

Which was read.

The Chair:

We need a motion to receive and file.

Mr. Hertzberg:

So moved.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

I would ask that the Directors, when they want bills to be expedited, they need to communicate formally to the respective Council chair of the committee in addition to the Clerk's Office.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business, we have the appointments to the Human Relations Commission, the Chair Presents, all of whom were before Council last week.

THE CHAIR PRESENTS

No. 2412 Resolution appointing Reverend William Dallas Morgan, 1218 Heberton Street, Pittsburgh, PA 15206, as a Member of the Human Relations Commission, for a term to expire April 1, 1998.

Which was read.

Also,

No. 2413 Resolution appointing Curtis A. Byam Smith, 811 Mellon Street, Pittsburgh, PA 15206, as a Member of the Human Relations Commission, for a term to expire July 1, 1999.

Which was read.

Also,

No. 2414 Resolution appointing Pamela P. Golden, 616 Bellefonte Street, Pittsburgh, PA 15232, as a Member of the Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

The Chair:

You have heard the reading of the appointments, all of whom have been interviewed, the appropriate motion is to

accept the appointments, unless there is an objection.

Mr. Udin:

So moved.

MR. HERTZBERG seconded the motion.

The Chair:

It has been moved and seconded. Roll call vote on the appointments, all three of them.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the appointments of Reverend William Dallas Morgan, Curtis A. Byam Smith and Pamela P. Golden were approved.

The Chair:

The appointments have been made. Congratulations and thank you for volunteering your time to the Commission.

Under other matters under Special Committee Reports or Unfinished Business, any other matter?

I would ask the Clerk to please follow-up to the Planning Commission. Over the last year and a half a number of bills have been forwarded to the Commission. I know a couple of the bills on groups homes, two different bills, one by Mr. Onorato, one by myself. I think another bill on Riverfront Zoning, another bill on Conditional Use Application. I think there are probably three or four more and I think we have lost track of what the actions of the Commission are relative to those bills. So, could we please catalogue them and give us a report on the status of those various bills that have been forwarded to the Commission for a report and recommendation.

Any other matter under Unfinished Business?

Mr. Onorato:

Mr. President.

The Chair:

Councilman Onorato.

Mr. Onorato:

Just to kind of keep this body informed, because where this is heading, it might get very ugly, and I have been constantly talking about the Allegheny Commons East project on the North Side, where I have been very critical of the local

HUD Office cutting this deal with this private investor in Boston Financial.

I am starting to receive calls again by the residents where Boston Financial – these are allegations, I want to make it clear – are very slow, if not, to stop

payment on a lot of the contracting. There are major holes dug up in the complex for the sewer lines, some of them are covered, some of them aren't. There is water shut off weekly. And I talked with some of the vendors and they are telling me that they are just not being paid. This is the private group that pocketed the $800,000.00 that HUD allowed them to steal of our tax dollars, and they promised that they would renovate this place, and my biggest fear that I predicted is coming true a lot quicker than I would hope that it would come true, and if something does not happen within the next month or so we could be heading back into Federal Court, and I might be asking my colleagues to support me with asking the Law Department to go back in and spending some more money to protect these individuals, because I believe this is pure white-collar crime that just gets swept under the rug and no one pays attention. Because the people in this particular complex are hard-working people, they do not have the time or the resources to fight HUD or to fight Boston Financial, and what they are doing over there is a disgrace.

I think within the next two weeks, if we do not get any movement, I would ask and urge and hope that all of my colleagues could come with me on a trip, you have to see what is happening there, it is a disgrace.

The Chair:

Has BBI cited these property owners?

Mr. Onorato:

Yes, they have been over there, and we are going to probably turn up the heat that way again, but it is going to be more than BBI this time, because the Federal Government has to be held accountable for what they created over here.

The Chair:

Very good. Well, as you know, Judge McLaughlin has the power to subpoena this company to appear regarding the citizen complaints.

On this matter or a different matter? A different matter. Mr. O'Connor had his hand up first.

Mr. O'Connor:

A different matter. I just want to bring up, just briefly. I think you requested last week, and we had some heated discussion about the legality of the water rates and the increases. So, today I am introducing legislation for Council to hire an attorney. The recommendation from our City Solicitor – and I will briefly say – "The consideration and the rights and remedies of rate payers, the Municipality Authorities Act allows any individual questioning the reasonableness or uniformity of rates to bring a suit against the Authority in the Court of Common Plea, which has the exclusive jurisdiction to determine questions involving rate increases. It should be noted that it is only the reasonableness and uniformity of the rate increases that will be challenged."

So, I know we had some heated discussion last week. I am not Rule 8'ing this, because Mr. Miranda is out of town and I would like one week to work with the Administration and the Water Authority to see where they are going with it and to answer my questions and a lot of yours. On June 20th we did have a post agenda, I know you were out of town, Mr. President, where some of the confusion may have came last week. But, we are asking for the five-year plan, the Performance Audit, and they promised to get back where they would cut the rates. So, I hope within the week to have negotiations, otherwise next Wednesday we will discuss the legal actions we may have to take.

The Chair:

Just on that matter, setting aside the issue you are presenting today, if there are reports that were requested either by one Member or all of us as a body, I would hope that those reports would be forthcoming. Your resolution last week did not necessarily repeat the fact that post agenda you had requested specific information, of which you just commented on. So, I would hope that the PWSA Board, and/or Director will respond to whatever the request is for documentation or information. So that should be forthcoming hopefully.

Mr. O'Connor:

It was requested back on June 20th, and I have the Minutes to the meeting and I will highlight those and put it in writing to them so that they might get back to us soon.

The Chair:

Well, it may be redundant, but I would ask the Clerk to just reiterate in writing the request for this information, whether it be the capital portion or the rate portion, operating portion, of the PWSA.

Mr. O'Connor:

Thank you.

The Chair:

Thank you. On another matter, Mr. Cusick. Again, we are on Unfinished Business, Reports of Special Committees.

Mr. Cusick:

I want to give a report of the Saw Mill Run project. As you know, Mr. President, you received a letter from the Department of Army, Army Corps of Engineers, in regards to the funding for the Flood Damage reduction projects. I was very disappointed with what seemed to be yet another presidential blow-off. Yet we have waited for over 35 years for the Federal Government to contribute its fair share to this project, however, from what the letter stated, that state and local government must plan to take more responsibility for securing funding through the sources of other Federal funding in these types of projects.

We do have a commitment from Congressman Coyne to have the funding for the Saw Mill Run project reinserted into the budget. I am going to continue to work with Congressman Coyne, Mayor Murphy, the Overbrook Community Council, to make sure that this funding is

available. But, I think that again this Council needs to send another letter to the

Clinton Administration allowing them to know our displeasure with this letter, that I believe everyone got a copy of, as soon as possible.

So, I would like to make that in a motion, the form of a motion, that we send a letter to the President and to the Department of Army letting them know our displeasure with eliminating the funding for the flooding projects.

The Chair:

Moved. Is there a seconded?

MR. RICCIARDI seconded the motion.

The Chair:

Seconded. Councilman, if you would help draft the letter for our signatures. All in favor?

Which motion prevailed.

The Chair:

Thank you.

Mr. Cusick:

Mr. President, I also have -- I just want to give an update on the neighborhood schools --

The Chair:

Mr. O'Connor, did you have a comment on the this issue?

Mr. O'Connor:

Yes.

The Chair:

Mr. O'Connor on Saw Mill Run.

Mr. O'Connor:

Can I just ask you, what was the total amount of the money requested?

Mr. Cusick:

Nineteen million dollars.

Mr. O'Connor:

I am curious. I am having the same problems in Hays, and I do not want to interfere with what you are doing, because I think you are doing an excellent job and I do not think we want to mix different items here, but it may be time that some political leaders in the Pittsburgh area, and this being one of the main things, and other agendas that we have had -- there is a Presidential Election coming up soon and every time Mr. Clinton wants an audience he always seems to show up in Pittsburgh right before the election because we draw the biggest crowds. I think somewhere along the line, and this can be a catalyst for it, that we have these demands and certain other demands before that time comes, so that we can see what Western Pennsylvania is getting nationwide. When you compare nationwide, whether it be jobs, education, I think we fall very short of the American dream. It may be something you want to list as a priority and we with other elected officials. We

have a lot of time to work on this, but -- and, union leaders, these are jobs. I know the unions which are supporting you and many other projects. We might want to use this as a catalyst for other things before this Presidential Election.

The Chair:

I think your point is well taken. Maybe we should indicate as public officials that, rather than hosting him at a Market Square noon rally, we may host him down in Hays or at Saw Mill Run.

Mr. O'Connor:

That would be good.

The Chair:

On this issue, Mr. Cohen.

Mr. Cohen:

This is just, Mr. President – and thank you for – Councilman Cusick for bringing this up – another chapter in a long nightmare for the people who live in the Saw Mill Run area, and for 30 years they have been demanding to have that creek widened and deepened. The Federal Government has time and time again said they would do it and then pulled the rug out from under them once again. This is what has happened. Councilman Cusick and myself and a large group of people from Saw Mill Run made this case at the White House a month ago; that President Clinton clearly needs the Pittsburgh area. Allegheny County was the second highest County for President Clinton in the country. We made this case very strongly, and I am extremely upset and disappointed

that the Executive Branch once again decides to break a promise to the people of that area. And I can assure you that Councilman Cusick, also Councilman Hertzberg, in whose district this is a problem, and myself, will redouble our efforts to get this money to the people of Saw Mill Run.

The Chair:

Thank you, Mr. Cohen. On another matter, Mr. Cusick.

Mr. Cusick:

Yes, Mr. President. This matter is relating to neighborhood schools issues –

The Chair:

Well, that is not really Unfinished Business. Let's bring that up at the end of the meeting under Motions and Resolutions.

Any matter truly under Reports of Special Committees or Unfinished Business?

Moving to Reports of Committees. Beginning on the Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 2471

Report of the Committee on Finance and Budget for September 14, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1927

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 771, Amusement Places and Producers, by making various changes, additions an deletions."—**(AS AMENDED—(SPONSORED BY MR. HERTZBERG AND MR. ONORATO)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Bill No. 1927, I ask that my comments be brought forward on this bill.

(REMARKS - SEE ADDENDUM)

Mr. Hertzberg?

This bill, the primary benefit with this bill is that it, with small places of amusement, small producers of amusement, 500 capacity or less, the amusement fee will be reduced to an annual fee of $50.00, and there are a number of other things that are going on in this bill, we discussed it last Wednesday, I won't go into detail, but it gets rid of some obsolete terminology and also excludes some items that really were not being enforced under these provisions.

The Chair:

Thank you, Councilman Hertzberg. Mr. Ricciardi.

Mr. Ricciardi:

I commend Councilman Hertzberg for his diligence on this bill. I realize it must have taken many hours. But, I am in full support of it, even though the City of Pittsburgh appears that it could be a possibility of losing some revenues. It puts fees more in perspective, and that is just to recover our cost and not for a revenue-generating alternative, and that is what – I think all fees should, as a matter of fact, be looked at. So, again, support this bill.

The Chair:

Thank you, Mr. Ricciardi. I just would like my comments brought forward on this bill.

(REMARKS-SEE ADDENDUM)

The Chair:

And, although there was a news article about this bill, it didn't even mention that Mr. Hertzberg not only introduced it, but more importantly, did

spend an awful lot of time, countless meetings, and bringing not only the Administration representatives together, from Finance as well as Building Inspection, but I think he moved expeditiously on what initially was a citizen complaint into the Council Offices, and I just want to thank him for his diligence, and I know the other bill he has introduced today, a couple of the other bills, I am sure are going to further make more fair and uniform the whole chapter on the amusement licensure portion of the City Code. So, thank you, Councilman, for your hard work.

Any other matter? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2328

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Treasurer, City of Pittsburgh, in the amount of Forty Thousand Dollars ($40,000.00), for the purpose of establishing an Imprest Fund for the Bureau of Police, Department of Public Safety.—**(MR. COHEN AND MR. ONORATO)**"

Which was read.

Also,

Bill No. 2381

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sofis Company, Inc., in the amount of $3,600.00 for the fall protection system erected during the inspection of the E. H. Swindell Bridge; charging the same to Code Account EC 94-57."

Which was read.

Also,

Bill No. 2391

A Resolution entitled, "Resolution providing for the issuance of a $1,412.00 warrant in favor of Al Bartlett in settlement of claim for sidewalk damage due to City tree roots."

Which was read.

Also,

Bill No. 2392

A Resolution entitled, "Resolution providing for the issuance of a $1,419.18

warrant in favor of Josephine C. Sladic in settlement of claim for property damage due to sewer backup."

Which was read.

Also,

Bill No. 2393

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Vanstar Corporation, in the amount of two Thousand Seven Hundred Sixty Dollars ($2,760.00) in payment for computer training furnished for the benefit of City of Pittsburgh-Department of Personnel and Civil Service Commission employees. Chargeable to and payable from Code Account 1100-1, Education and Travel."

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2394

A Resolution entitled, "Resolution providing for the transfer in the amount of Twenty-Five Thousand Dollars, from Code Account 47, Personal Leave Buy-Back, to Code Account 57-1, Retirement Severance Pay, Department of Finance."

Which was read.

Also,

Bill No. 2395

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of Finance to enter into a Municipal Services Agreement with Keystone Health Plan West, Inc., ("Keystone"), providing for the payment by Keystone to the City of Pittsburgh of certain costs related to Keystone's relocation to and operation within the City of Pittsburgh."

Which was read.

Also,

Bill No. 2396

A Resolution entitled, Resolution authorizing the City of Pittsburgh to issue

a quit-claim deed for property designated as being part of Block 41 E, Lots 316 and 317, 11-13 Berry Street, in the 28th Ward, to Port Authority of Allegheny County, for the sum of One ($1.00) Dollar."

Which was read.

Also,

Bill No. 2397

A Resolution entitled, "Resolution amending Resolution No. 854, Item B, eff. 7-13-92, which authorized the sale of 2128 Hemans Street, 2-2 sty. fra. hses., 5th WD, 10-P-169, to Robert Wilson for the sum of $2,000.00 by reducing the price to $800.00 as it was deemed necessary to demolish one of the structures."

Which was read.

Also,

Bill No. 2398

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales, in accordance with Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

On Bill 2395, I would also like my comments brought forward.

(REMARKS-SEE ADDENDUM)

The Chair:

That is the Keystone Municipal Services Bill. I would like to characterize this as a Keystone bill, not only for Keystone, because that is the name of the health insurance HMO, but more importantly, it really is the keystone, as Mr. Leeper presented it at the last Finance Committee Meeting, the keystone to some major development in the Downtown corridor. Mr. Udin certainly spoke eloquently about the need and how excited, I think not only he but all of us are at the work of the Mayor, Mr. Leeper, Director Birru, Mr. Cox and others, who have been working diligently over the last many months. I think the new action verb that the Mayor has created growing the City or his desire to grow this City, he has finally put some major action in that verb, and I think we should commend him for some hard work. The vote today on the Keystone agreement is kind of the opening salvo to some major development bills that we have in today's agenda, not only the municipal services agreement, which as we know, as Mr. Leeper had explained really very eloquently at the Committee Meeting, is the financial opportunity with a partnership in the private sector and with the private sector to do a major adaptive reuse of the former Hornes and what will

eventually become the former Lazarus building and the relocation of a significant

number of employees and also kind of a financial commitment on the part of Blue Cross/Blue Shield Corporation to move and expand their health care campus in the Downtown corridor, with five, six, 650 jobs moving unusually out of the suburbs back into the Central Business District corridor, and I think we should applaud and really highlight the efforts of the Administration and the Mayor on this, and clearly from the financial arrangement that we understood those monies that are being created not only help to make real the remodeling of that office structure for health care personnel but also will enable the significant re-creation of a major and securing the Lazarus as the second, if not the third major department store in the Downtown Central Business District, and I think we should really highlight that.

And, in fact, today we have a number of bills, that when you put it altogether, I think the Mayor, to his credit, has really put action in the action verb of growing this City, and that is, the other bills that we have, the Buncher Company proposal that the Administration worked on diligently to do a major office remodeling. I think if you look around the City at the Buncher properties, uniformly they have created jobs back in the City. It has not been a shell game, like where we move DER from the Highland Building to Washington's Landing. If you look at the Buncher properties, all of those companies are companies that did not exist in the City or represent a major expansion of existing companies that are in the City. So, again, the office complex will be a major upgrade of the Liberty Avenue corridor, a

significant parking garage is part of that, we have a Lazarus deal, Blue Cross/Blue Shield Office structure, and as Mr. Onorato and Udin pointed out, the significance of the ALCOA deal, also is a vote today, we are talking not only securing a major office structure, a new office structure into the next century for ALCOA, but again, the Administration is not ignoring the fact that ALCOA is leaving the Downtown corridors, working on proper reuse of the ALCOA office structure in the Downtown area. And added gravy to all of this is the public park improvements and the public park right-of-way and the whole ambiance that would be created as a result to the significant new corporate headquarters that ALCOA represents.

And I think the media oftentimes is not fair in characterizing what this whole deal and what this accomplishment represents, and I think -- at least I can only speak for myself on this Council – I think I am very proud of the work of the Mayor. I think it should be noted in these Chambers today this whole deal that we are voting on. A lot of times we are a victim of our own kind of downgrading of the successes that we have in City Government, and I think this is one time the Mayor has acted as a true quarterback for the financial, economic and, in fact, cultural health of our City with the deals that we are voting on today, and I personally just want to say thank you and keep up the hard work.

Any other comment on any of the other bills? Mr. O'Connor. I am responding partly to kind of -- it was not intended to be negative, but I think we

dwell to some extent on maybe some of the issues that maybe were not as important as really highlighting really the

significance of all these deals that have been negotiated in a very -- I am sure, long and hard meetings that took place over the last year, and I think we should note it.

And I think -- the reason why I am amplifying this is I hope that we can send a message, as Mr. Onorato highlighted last week, to the R.I.D.C.s and others that, we are here to do business, and this Council wants to be a part of the Mayor's agenda. When he talks about growing the City, I hope that he can rely on this legislative body that when push comes to shove, we are going to be here to support some of these deals, whether it be rezoning, whether it be a Conditional Use approval, whether it be the TIF financing, whether it be approval of the Municipal Service Agreement, I think we have got to enable to Mayor to have his bag of tools as he is out there negotiating in the best interest of this City. And today's vote, not only on Keystone, but all the other related bills, of which there are about six on the agenda today -- and, I want to also applaud Mr. Hertzberg, who is our board member on the URA, because he is there as a point man also, facilitating these votes. But, I just want to say thank you.

Mr. O'Connor.

Mr. O'Connor:

I really just want to echo your comments. I mean I have been to a few URA Board Meetings for usually something in my neighborhood, and when you see what is going on is City wide, you can really get appreciation for what the

URA and the development team the Mayor has put together is doing. I think the message that should get across, somehow the City and City Government gets a bad -- sometimes justifiably so maybe, but it is time we changed and let the business world and the developers know that Pittsburgh is open, pro-business, pro-development, which means pro-jobs, and I think all of these things coming together hopefully would highlight that, although a lot of times the media emphasizes the small fights, whether they be a zoning or whatever, but the key thing is that these major projects are coming about with really a lot of cooperation from a lot of people and leadership from the Mayor and his staff.

So, I certainly commend them and salute them. And I think one of the key points we may learn about this is, we always seem to dream about bringing other companies to Pittsburgh, when we should be taking care of what we have, such as ALCOA. I think that was a prime example of keeping them and keeping the business established that we have, how to help them grow, because you have a lot more -- a better chance of keeping them and letting them expand for our future. One of the biggest problems I hear everywhere I go is, not enough jobs for our kids, people are scared, they are worried, and I think it is time we show this kind of cooperation. So, the main reason we are all here is to provide for our children and nothing can do better than working with these big corporations to provide the jobs and the leadership that they will bring, whether they be schools, and all the assets they bring.

So, I certainly want to echo and commend the Mayor and his staff on all these outstanding projects.

The Chair:

And just to follow-up on a point that Mr. Udin raised when he talked about what jobs would be created. I really would, as a follow-up to Mr. Udin's comments, and we did this with the Union Switch and Signal Building, we specifically asked that the School Board and the educational institutions locally, be they public or private, as well as the whole Community College system, that they actually do a job audit of specific jobs that will be created or need to be filled as a result of all these different activities, whether they be in retail or management at any level, whether they be at the Blue Cross/Blue Shield structure, whether they be at the ALCOA center. I think if they did a specific audit of the actual specific job and what those duties and qualifications call for, and then actually responded, both at the School Board level, both at the Community College level, I think, the whole issue of customized job training program, rather than have this kind of obscure – you know, you leave high school and there's this kind of, you're not going to pursue a four-year degree. There should be a direct linkage between those jobs that are being created and the ability of our local school. We are spending millions of dollars through the Public School System as well as the local Community College System, and I believe very strongly there should be a more concerted effort and a direct relationship to the local employment market with the specific jobs that are being created, down to that job title, down to that specific qualifications, and I would challenge and kind of call on our own JPTA initiative and our neighborhood employment center initiative to kind of create that linkage, if it is not happening to the extent that it is. I think too often it is kind of left in a nebulous way, well, you need this specific skill. I think we should know specifically down to what the job titles, what are the jobs to be filled, what are the job qualifications, and then these major institutional – educational, institutional groups that we fund, should gear that specific employment, skill training to those specific jobs.

Mr. Onorato.

Mr. Onorato:

I just want my comments brought forward on Bill 2395, and I will refer to the other bills when we get there.

(REMARKS-SEE ADDENDUM)

Mr. Onorato:

And I just want to echo one point of the comments you made, Mr. President, and that is, I receive a call after last Wednesday's session from a constituent in my district, who just left a message that, I think you are totally wrong on spending tax dollars to Lazarus; if you give them the money I will never vote for you again. And, the reason I bring this up is, because I think you see the results of the way this deal was portrayed, and I think that is the tragedy here. The real tragedy is, we put together a Development Fund with the Mayor a year ago in the budget, what do the people think we put this Development Fund for, to save it and not use it. The

Development Fund, of course, it is public dollars, that is the whole idea, we put together a Development Fund to develop the City, and you see three or four great projects that we talked about last Wednesday, yet the way the headline reads, "City Puts In Public Dollars". It is a negative spend as opposed to a positive spend. And, the fact that yet a unanimous support here, along with the Mayor's support, because it is such a great, instead of trying to accent the negative vote, we should go after the positive here, and the positive is the Development Fund was put together so that we can team up with the private sector to move the City forward. And, the projects that we have just talked about are massive projects, and unfortunately, these were all developing or being released at the same time that we had the big cloud of the Pirates over our heads that were dominating the news and they were competing with each other. And I think it is important for us, all of us here, to make sure we constantly put on the positive spend, because perception go a long way in keeping the mental psyche of this region moving forward, along with the reality of the actual buildings going up.

So, I do applaud the Mayor, and I will bring my comments forward, because the Development Fund was developed for that reason, and that is to team up with the private sector, and what would seem to be missing was all the private dollars that are coming forward. And what I stressed last week, and that is, the one part that you cannot measure of the six, seven hundred people that are going to stay in town, walk these streets, move around, shop, we cannot even measure what that does for public safety Downtown. If we boarded up those buildings and loss six, seven hundred people, we would probably have to hire another 50 officers to keep the Downtown safe, and that is something that you just cannot put a number on.

So, I think it is a great move. The Development Fund will be continued to be used, they are low interest loans, and hopefully we have ten more of these deals next year.

The Chair:

And actually the Development Fund, we continually talk about our desire, and I am sure even the caller who called you, would like to see non-City residents pay more of a fair share. In fact, if you look economically at the Development Fund, it is indeed disproportionately non-City resident dollars going into a fund that is at the disposal of the Administration and this Council to spur economic development within the City proper, disproportionately more of those dollars are coming from non-City residents paying the sales tax than City residents, not only numbers but also in the amount of money they are spending. So, again, that is a contribution from suburbanites helping to promote development in this City.

Mr. Hertzberg, Mr. Cohen.

Mr. Hertzberg:

Thank you, Mr. President. I think there were some comparisons that I read about calling this a Renaissance III, or at least the beginning of one –

The Chair:

I use that phrase in terms of what the potential is for the North Shore with ALCOA.

Mr. Hertzberg:

And all that we have got on the drawing board.

But, I want to point out, if that is a fair comparison, I do not know if it is or it isn't, but just for the sake of discussion, what we had with the two, Renaissance I, Renaissance II, that differs so much from what we have today, and why we are talking about the Development Fund and the TIFs. In those days, number one, there were Federal Tax incentives to own and build pieces of property like this, today they are gone; number two, we had the great UDAG Program, that built a lot of these large projects. Today, with, I guess, one exception, there might be a small one hanging around, but with that exception, that is gone also.

I think what we are doing, in all honesty to the taxpayers, yes, we are using taxpayer money to help out in some of these large projects, and I think there is a risk to it, but I think it is a risk that we as leaders need to be taking, we need to be doing it now. I do not think we can sit here and let our big companies move to Ohio, at least, as leaders of the Government of the City of Pittsburgh, I think we have to do something about it and it might involve some risks, and we are doing it and the Mayor has done it and he has taken a bold initiative in using tools like the TIF Program, which the State has allowed us to use, which allows us to devote the tax increment on these new projects to the project or to the public improvements on the project, and those are things that are going on in the City of Pittsburgh that are not going on anywhere else. So, it is an attraction to developers and that is how we are keeping large companies, that is how we are doing these buildings and the Development Fund that we have all talked about. It is a great attraction to a developer and owner of a building to know that they can borrow millions of dollars at an interest rate of three percent, where else do you get that kind of deal, you do not get it in too many places. And, on top of that you have what the County has available now, they followed up on our leadership and they are to be credited with establishing their own Development Fund, and also the Allegheny Conference, although we have not seen it yet, we hope to be seeing it soon, there will be another Development Fund. So, if you come into the City of Pittsburgh, first you can get a TIF, which is pretty much, and to a large project, basically a grant, it is money that goes into your project, that you do not have to repay in the form of a loan, you have to pay your taxes in the future, which you have to pay anyways. And, the third item I think we have in the City that no one else around has is your public development that is required for a project, you have to have streets, usually, you have to sewers, you have to have water, you have to have all those things. We either already have them in place in the City of Pittsburgh or we are not going to impose the cost of those things on a developer or the owner, and I do not think you could say that in a lot of places.

So that is how we are attracting people and I want to tell everyone about it. When I go out and I talk to developers and potential investors and tell them all the things we have they are quite surprised. The word is not out but I think we are starting to get it out and I think we are going to continue and that is what has got to happen if these risks are going to pay off, you got to keep it rolling, and I am happy to support this and to continue forging ahead.

The Chair:

Thank you, Mr. Hertzberg. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I do not want to be redundant, I only want to also commend the Mayor, the Economic Development Office, Councilman Hertzberg, and everybody who was involved in this portion of the project. And I think we have to make it clear to people who are listening and watching that we are only voting on the Horne's/Blue Cross portion of this project, and I wholeheartedly support it, we are bringing employees into the City for this project, the public financing for this project is the Tax Increment Financing part, plus five million dollars of which we hope and trust that two and a half million will be contributed by the County of Allegheny. So, for that part of the project I commend the Mayor, support it wholeheartedly.

The second part of the project has yet to happen, and I – just one cautionary note that I tried to sound last Wednesday as well, is that I think it is very critical that we not provide public financing for the Lazarus portion of the deal until we get a binding, unconditional commitment on Lazarus' part that they will go to that site, and I think that we got a positive response from Steve Leeper to that question, but I think we have to be very cautious and make sure that public financing isn't spent for that portion and meaning, of course, the razing and construction of a new department store for Lazarus at the Fifth and Wood intersection until we absolutely know that Lazarus will go through with this deal.

So, that cautionary note aside, I wholeheartedly endorse the Mayor's program here and will vote for the Blue Cross/Horne's portion.

The Chair:

Thank you, Councilman. Since it is – most of this construction activity is in Mr. Udin's District, Councilman Udin.

Mr. Udin:

Thank you. I also would like to have my comments brought forward from the last Standing Committee Meeting.

(REMARKS-SEE ADDENDUM)

Mr. Udin:

I think it is urgent that we take the opportunity of this major development that is going on in Downtown and the North Shore to involve, as you had suggested, the training institutions, the schools in the area, the people who are doing the economic – the regional economic analysis, to be able to see clearly and to

analyze clearly what impact the development is having on the regional economy, to see what impact it is having on the employment in the region, and to see what impact it is having on, especially, minority employment. When we have a release of the benchmark report that shows the critical unemployment condition of minorities in the region, it pays us, I think, to be able to make the connection between these kinds of developments and what impact it may have on the kind of reports that were reflected in the benchmark study. Fortunately, the Mayor and the Urban Redevelopment have some high and lofty goals in minority development, minority participation in these developments and I intend to make sure that these goals are adhered to and that we facilitate these contractors and employers in being able to find qualified personnel to fill those goals. But, this is the kind of employment opportunity that will impact the benchmark report, not summer jobs, not youth jobs, not temporary jobs, necessarily, but the part-time jobs that are available from building and growing and development in this City, and that is why I applaud the Mayor's Office in the aggressive stance they have taken, but we have to make the connections to the impact that it is having, or the potential impact that it could have on the regional economy and the employment picture.

The Chair:

Thank you. But, again, I reiterate my challenge, it does not happen in a vacuum, and the challenge is to the school system in this City, to the Community College System, they have to get out and understand exactly what specific employment opportunities are being created as a result of this economic activity and what is their role in function and linking that specific individual, young person, what have you, leaving the school, leaving the Community College System to their specific jobs, and that to me is what the challenge is and we together need to support.

Any other discussion on any of the other bills? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2472

Report of the Committee on Public Works, Water and Environmental Services for September 14, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2356

A Resolution entitled, "Resolution authorizing the Director of Public Works to prepare a report itemizing all private institutions, entities, corporations or persons which receive materials or services from the department at no charge and forward said report to Council no later than September 30, 1995.— **(SPONSORED BY MR. FERLO)"**

Which was read.

Also,

Bill No. 2399

A Resolution entitled, "Resolution granting unto South Side Local Development Company, 1417 East Carson Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, three (3) front stoops with steps and one (1) porch on a portion of the right-of-way on South Seventeenth Street and also five (5) front stoops with steps on a portion of the right-of-way on Wharton Street in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2400

A Resolution entitled, "Resolution granting unto the East End Co-Op, 7516 Meade Street, Pittsburgh, Pennsylvania, 15208, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on Meade Street in the 13th Ward, 9th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2401

A Resolution entitled, "Resolution granting unto Edward Lesoon, c/o Asia Carpet and Decorating Company, 4749 Baum Boulevard, Pittsburgh, Pennsylvania, 15213, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a handicap ramp on a portion of the right-of-way on Kirkwood Street in the 11th Ward, 9th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2473

Report of the Committee on Planning, Zoning and Land Use for September 14, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2403

A Resolution entitled, "Resolution amending Resolution No. 1267, approved November 12, 1993, entitled, 'Providing for implementation of a Residential Parking Permit Program (RPPP) Area "V" in the Shadyside community pursuant to Pittsburgh Code Chapter 549.'"— **NEGATIVE RECOMMENDATION**

Which was read.

Also,

Bill No. 2271

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by (a) changing the height limitation of structures in the "C6-C" District between Isabella Street and the Allegheny River from 65 feet to 105 feet; (b) by allowing land located within a floodway owned by a public entity to be counted toward the open space and floor area ratio requirements in the "C6-C" District; and (c) by changing the point of measurement for the 50 foot riverfront yard from normal river pool elevation rather than from the floodway line.— **(COUNCIL DISTRICTS 1 and 6)"**

Which was read.

The Chair:

I believe one of those bills was actually a negative recommendation regarding the Shadyside rezoning, so let's vote on that separately. That is Bill 2403, regarding the expansion of the Residential Permit Area at the request of Mr. Cohen's urging a – he urged a "no" vote, and I believe it was unanimously no. So that bill has a negative recommendation, and we will vote on that.

And, Mr. Cohen, do you have any comments? Mr. Cohen.

Mr. Cohen:

Just to ask that my comments be brought forward, and to thank my colleagues for their support.

(REMARKS-SEE ADDENDUM)

The Chair:

You have heard the reading and title of the bill, any other discussion? Roll call vote on the negative bill, 2403.

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES none NOES 8

(MR. UDIN ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

Bill 2403 stands defeated, and I remind the Clerk's Office to pay attention in the Standing Committee Meeting or we are going to record a bill inaccurately.

The remaining bill, any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2474

Report of the Committee on Housing, Economic Development and Promotion for September 14, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2273

A Resolution entitled, "Resolution approving the Redevelopment Proposal dated July, 1995, including Modification No. 6 to the Redevelopment Area Plan, for redevelopment activities in a portion of Redevelopment Area No. 39, North Shore, in the 22nd and 23rd Wards of the City of Pittsburgh.—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2274

A Resolution entitled, "Resolution providing for the conveyance of certain property in the 22nd Ward of the City of Pittsburgh to the Urban Redevelopment Authority of Pittsburgh for the sum of $1.00.—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2275

A Resolution entitled, "Resolution authorizing an agreement by and among Aluminum Company of America, Urban Redevelopment Authority of Pittsburgh and the City of Pittsburgh in connection with the development of URA Disposition Parcel 16 in the North Shore Redevelopment Project.—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Bill No. 2276

A Resolution entitled, "Resolution approving execution of a contract by and between the Urban Redevelopment Authority of Pittsburgh and Aluminum Company of America for the sale of Parcel 16 in the 22nd Ward of the City of Pittsburgh for $515,000.00—Redevelopment Area No. 39 (construction of office building).—**(COUNCIL DISTRICT NO. 1)—(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2384

A Resolution entitled, "Resolution amending Resolution No. 143, effective February 1990, as amended by Resolution No. 677 of 1990, by Resolution No. 719 of 1992, by Resolution No. 706 of 1993, and by Resolution No. 440 of 1995, entitled, 'Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U. S. Department of Housing and Urban Development for a grant in connection with the 1990 Community Development Block Grant Program,' so as to reduce a line item in Engineering and Construction and add a line item in Parks and Recreation."

Which was read.

Also,

Bill No. 2389

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for a portion of the Strip District Redevelopment Area.—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

I remind my colleagues, we have a post agenda immediately following this at the request of Mr. Cusick on the Pioneer Avenue situation.

MR. HERTZBERG PRESENTED

Bill No. 2475

Report of the Committee on Parks, Recreation and Youth Policy for September 14, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2427

A Resolution entitled, "Resolution providing for an agreement/s with the United Way of Allegheny County in an amount not to exceed $100,000.00 for the Adopt A Park Program. Code Account 4-10-10-0011-90-222-90-10 in the Department of Parks and Recreation."

Which was read.

The Chair:

You have heard the reading and title of the bill, and hopefully the information requested was forwarded to this Council, is there any discussion on the bill? Mr. Hertzberg.

Mr. Hertzberg:

I would first ask that my comments be brought forward. Second, I hope everyone did examine the materials that were requested and provided that show the value of the Partners in Parks Program, where we see expenditures of about $74,000.00 producing benefits of $266,000.00. So that these are dollars that are very well spent and the paper work is here to show it, and if you go out in the parks, the results are there to show it, although we still have a lot to work on.

The Chair:

Thank you, Councilman. Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2476

Report of the Committee on Public Safety Services for September 14, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2330

A Resolution entitled, "Resolution authorizing and directing the City Controller to create a special trust fund to be designated as the Federal Task Force Trust Fund (FTFTF) for the deposit of monies from various sources, including grants, for the operation of the Weed and Seed Federal Task Force Program and authorizing the use of monies deposited into said trust fund to cover any and all eligible expenses for the development and operation of the Federal Task Force Program."

Which was read.

Also,

Bill No. 2426

A Resolution entitled, "Resolution providing for an agreement or agreements with a consultant or consultants to provide supervisory training for incident command at a cost not to exceed $4,370.00. (Bureau of Fire)"

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees. Again, we have a post agenda regarding the Pioneer Avenue situation, and Mr. Cusick, then Mr. Cohen.

MOTIONS AND RESOLUTIONS

Mr. Cusick:

The first issue I want to bring up, Mr. President, is neighborhood/school issue. As you probably all know that Representatives Readshaw and Gigliotti introduced House Bill 1689, which would help allow the School Board to make its own decision regarding issues of neighborhood schools. The bill is currently in Committee and has plans to have a public hearing in Harrisburg.

What I would like to do today is request that Council send a letter to the Chair, the majority and minority Chair of the State Government Committee and ask them to hold a public hearing here in Pittsburgh in regards to the neighborhood school issues.

As many of you probably already know, I am a proponent of neighborhood schools for several different reasons. I think that neighborhood schools can supply a sense of community; I think it gives a positive view and the civic responsibility. In addition to all of that, it makes the City a more attractive place for young families to live.

I would like this Council to send a letter just stating and to Representatives Paul Klimer and Frank Oliver, the State Committees Committee, to hold a public hearing here in Pittsburgh, since this seems to be such an important issue here in this area.

The Chair:

But the letter is only just specifically asking for a hearing on H.B. 1689 here in the City.

Is there a second on the motion?

MR. HERTZBERG seconded the motion.

The Chair:

Seconded. Any other discussion. Mr. Hertzberg.

Mr. Hertzberg:

If the sponsor has no objection, can we offer our facility here?

Mr. Cusick:

Absolutely.

The Chair:

All in favor? Motion carries.

Mr. Udin:

No.

The Chair:

Excuse me. One "no".

Which motion prevailed.

The Chair:

On another matter, Mr. Cohen.

Mr. Cusick:

I had another matter, Mr. President.

The Chair:

Alrighty. We will let Mr. Cohen have the last word today. Mr. Cusick.

Mr. Cusick:

Last night I spoke at the School Board meeting in regards to an Alternative Discipline Program that District Magistrate Charlie McLaughlin has proposed in the area schools that are in his district. This would provide an impartial arena for students to settle their disputes and would give the school security the right to write citations when children have blatantly ignored the law. With the recently publicized problems of violence and fighting at Brashear, it just shows the need for alternative discipline and the ability to response due to the State rules and regulations that over-govern them, as well as, there is an ongoing fear of parental litigation. The District Magistrate has proposed a program to the School Board that would help provide a fair and impartial arena to settle these disputes.

What I am asking here today, Mr. President, is that we send a letter to the School Board. I will forward, and I think I should probably do this next week and ask to send this letter. This week I will forward you the information in regards to the program. I think it is an excellent program, it is one that I hope will start in my district, and I just look forward for any comments from any of the Councilmembers in regards to the program. And, I will come back next week and ask for this Council to show support for that program.

The Chair:

Again, just on this point, because I think it is a very complicated issue, I would ask that we have something in writing, if you are going to ask for a motion or any formal vote by this Council. So, there is no motion on the floor.

Mr. Hertzberg.

Mr. Hertzberg:

Just on the same topic, we did pass the Truancy Bill, and I think that we are kind of in the same area, when we talk about what steps can be taken with the students, and I think we are headed in the right direction, Councilman Cusick, and also, District Justice McLaughlin, although I would like to see the specifics.

But, I think the School Board's main method of discipline, suspension, is not an effective one at all, it is most often the punishment that is desired by those that are committing the infractions, and so that if there are some other methods, I think examining them and possibly implementing them is a very good idea.

The Chair:

Other matters? Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I wanted to take a moment to inform Council of an action that I have taken on the leather glove controversy in the Police Department. As you know, the Chief of Police issued an order recently prohibiting police officers from wearing gloves. Now, this issue may at first look like a trivial issue about fashion statements but in fact it is far from it, especially in light of a recent event. Last week a Police Sergeant was bitten by a suspect on his hand, the bite broke the skin, and now the officer is being tested for AIDS or other diseases, and he is obviously very nervous. There are some sick individuals out there, and we have to give our officers the means to protect themselves. F.O.P. President George Swanson has also been given reports of other incidents. The Crafton Police problem has to be top priority. There are certain police procedures, including pat downs, in which gloves are necessary to protect an officer from needles or other paraphernalia. The Chief of Police said, I believe in his statement about this, that gloves can be intimidating, and honestly, I do not think that argument flies. These are police officers, and I do not think that gloves are more intimidating than a gun, a nightstick and handcuffs.

So, I am sending this letter today, which I would like to distribute to all Members of Council – thank you, Councilman Hertzberg – to the Chief of Police asking him to lift the ban on wearing gloves by police officers and to permit police officers to carry leather gloves with them as needed. I think this is important to allow the police officers to protect themselves in cases like the one that happened last week.

The Chair:

Just to clarify. This is just your own personal action?

Mr. Cohen:

Yes.

The Chair:

Just on this point. Again, I think we need more information about this whole issue, quite frankly. If the issue is to properly give our police the necessary tools that they need to protect themselves, I think all – unfortunately, all Public Safety personnel, including even building inspectors and paramedics, obviously the police interact with individuals where a more aggressive activity is happening, but of late, and certainly in the last few years in particular, any number of different Public Safety personnel, in addition to the police, need to deal with this issue of gloves.

I think it is simplistic to say that the issue that has come out of late, whether or not the officers are permitted to wear the so called black leather gloves, is really going to address the issue, which I think is sincerely a legitimate issue on the part of the police being raised by the F.O.P., and I see two representatives in the audience today. I think we should really sit down with the Chief. Mr. Cohen, as the Chair, I would ask that you consider some kind of formal dialogue where we can discuss, first, what is the safety issue involved, because I would think it would be easy to

argument that just the wearing of the so called black leather glove, which can easily be bitten through as much as something else, is not necessarily the way to deal with the issue. I do not know enough about the issue to comment on it, other than the fact that I think we need to explore more, other than Ralph Ianotti's 11 o'clock report, or the Post Gazette summary. I think we need to explore this issue, because I have mixed emotions, depending on what the concern in the application is. An officer running up to somebody to issue a citation does not necessarily need to have his sleeves rolled up with the black gloves on. It depends on what the issue and what the perspective is. If the bottom line issue, which I hope it is, is how do we improve the safety to all Public Safety personnel, including police, recognizing that paramedics deal with the issue of blood, as well as even building inspectors and animal control officers have been, unfortunately, in this situation, where, in addition to the animal, they have had to deal with irate citizens.

I think I would rather ask that we look at the issue and understand the complexity issue from the perspective, how do we guarantee better and improved safety, rather than just kind of quickly back and forth deal with this issue of meddling in on the issue of whether or not the black is necessarily permitted, because I fully do not understand what the Chief's motivation was in the first place. So, I am uncomfortable -- I do not know what your letter is because I have not read it, but I just want to speak for myself, I would prefer that there be some kind of dialogue in this whole issue, so we can understand the F.O.P.'s position, understand the Chief's position, and I have mixed emotions about the whole thing.

Let's go from the far right here and go right down the line on this issue. Mr. Udin and then we will send down.

Mr. Udin:

One, I am a little bit confused about why this has been presented to Council, it is a letter from a particular Councilman to the Chief of Police and I am not clear as to what standing it has before Council. Assuming that it has some, though, since we are discussing it and it has been distributed, I think that the -- first of all, the Chief's order is apparently not being carried out, I have seen several officers who continue to wear black leather gloves in the streets, and so that is one concern I have about the authority of the Chief being carried out.

Number two, I think that the gloves have less to do with safety than it does with image and intimidation and I am concerned about it. I am concerned about the police moving closer toward a community oriented relationship in the community as opposed to an intimidating force in the community, unless that is necessary, and then when that is necessary, then I think they need to move with correct procedure and which is not necessarily facilitated by leather gloves.

Finally, I think it is unfortunate that the connection -- that the HIV connection would be used in this way, there is very little evidence, if any, that shows that HIV is transmitted through saliva and a break in the skin, it would be a very, very rare form of transmission.

There is already sufficient confusion and misinformation about how HIV is transmitted, I would hate to see this issue around leather gloves being warn by policemen being used to further confuse the issue. HIV is not easily transmitted by a bite or saliva and I think that it does not aid in the clarity of HIV transmission to use it in this way.

The Chair:

Other discussion? Mr. Ricciardi, and then we will go right down the line.

Mr. Ricciardi:

Thank you. I thank Councilman Dan Cohen for raising the issue today, it is one that I do not really clearly understand. I have worked directly with the Chief through the Nuisance Bar Task Force in the past and I have a great deal of respect for him.

Just to mention what Councilman Udin states, and I think we have to be very clear on leather itself. For example, when we would in past see a motorcycle, a motorcyclist all in leather, and that used to be very intimidating, and one would think, well, does this person belong to a gang, or whatnot, but once you look into the issue you find out that leather is very protective if there is an accident, whereas if a person falls off a motorcycle and is wearing shorts or just blue jeans, that person is going to get hurt very badly and probably have lacerations of the skin, whereas leather does protect. So, I am not really sure if we are reading too much in to this intimidation factor, but leather does protect. So, maybe it is something that needs to be clarified and something that needs to be looked at.

Again, I think Councilman Cohen raises a point, I mean what is more intimidating than handcuffs, a nightstick or a gun and why should it be leather gloves. So, it is something I would like to take part of. But, again, we really have to understand the quality and fabric of leather, leather does protect, and motorcyclists will tell you this. Thank you.

The Chair:

Mr. Onorato.

Mr. Onorato:

Yes, and with all due respect to some of the comments that were made, I think that we are beating around the bush here a little bit and I think it is silly that this is even up for discussion, and I think it is silly that – and I respect the Chief but I think it is silly that he gave the order. As far as I am concerned, intimidation is an important factor of the police force, meaning when I was a kid, and you walked along Perrysville Avenue, you saw the uniform, you saw the helmet, you saw the boot, you saw the beat stick, you saw the gun, you saw the handcuff, that is all intimidating. Officers are out there to enforce the law, if they cross that line, then they should be punished, but I want to give them every tools they have. If the gloves make them look intimidating, that does not bother me, I do not care if they wear black leather gloves. The point is here, that they are not out there to look cozy, they are police officers, it is a tough job, and in some of the areas, and some of the

situations we send these individuals into, I would not want to be there, and I think that the fact that we have an order removing gloves created this problem that we did not even have to deal with. Before this order came out, I never received one complaint from anyone anywhere in the City, and there has been a lot of complaints, I chaired Public Safety for two years, I did not receive one complaint about this glove image. I do not know where this -- where did this come from? I want to find out, was this the reaction to one person calling the Chief's Office saying, I was really intimidated because I saw a pair of black gloves; I did not care about the gun or their beat stick or the cuffs or the helmet or the boot and the motorcycle, but those gloves really made me shake. This is a little ridiculous. I know when I go down -- drive home tonight, when you see the traffic officers -- look at a typical traffic officer, they got a hard helmet on, these tall black boots, they got a bullet proof vest, they have -- whatever else they are wearing, of course, they are intimidating, they are police officers, that is their job, and sometimes you earn respect that way, too. We have got to respect them. I do not think the glove is the issue here, and unfortunately now the order has caused this whole reevaluation of one particular piece of equipment.

I agree with Councilman Udin that I do not think the HIV should have anything to do with the gloves. He probably totally disagrees with me on the intimidation issue but the HIV should be separate. As far as I am concerned, it is the issue of what is the uniform going to look like, what is part of a police officers image, what should they be wearing. I just think that it is unfortunate we got to this point, and I -- and unfortunately, I totally disagree with the order of the gloves. I think that was to placate probably a complaint by somebody. But, I could tell you right now, the two years of chairing Public Safety, that was not one of the high priorities. I would rather deal with somebody that says there might have been something done illegally by a police officer, that is an important issue to deal with, not the type of a glove that an officer might wear. That is my personal opinion on this whole matter and I would hope that the order is removed and that the gloves are allowed to be continued to wear because I think it is silly and we all look silly even debating a glove issue in the City of Pittsburgh.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I just want to second everything you just said, Councilman Onorato. And, I have heard from many officers, who are very disillusioned and maybe morale is going down because of little things like that. If the Chief cannot stick up for his officers, who is. I am glad to see the F.O.P. is here. If it intimidates them hoodlums, so be it. I mean I was very shocked that this came up. I am glad Councilman Onorato brought it up, you can talk about the other things. If it protects the officers, whether they use hand to hand, I rather see an officer use hand to hand combat than reach in his holster, and sometimes they are always criticized for doing that. So, if they want these gloves and they want to look tough,

they should do it, they should look tough, and intimidate some of these little punks.

And, I will tell you what happened to me in a lily-white neighborhood in Greentree. I had a Roy Roger Restaurant up there, we had a big cop come in, tell all the kids to leave, they did not react, when that cop got out and started doing this with his gloves, you seen how fast these guys ran. So, if that is the intimidation, let's get on the police officers' side, they have a tough job and this is a little thing and they want $10.00 gloves, let's give it to them and let's stop this nonsense. They have a tough job out there. And the bad guys have machine guns and everything else and we are sitting here with little pea shooters. Now, who's kidding who? I am sure this might have come – maybe the complaint came from the Gang Task Force organizations, but it is really going beyond. Well, I would put it to a vote, put it in right away. The F.O.P. is here. Every cop I talk to wants them. The Chief has made a big mistake. And I support the cause.

The Chair:

Councilwoman McDonald. We are all supporting our local police here. Councilwoman McDonald.

Ms. McDonald:

Thank you. Thank you, Mr. President. I do not know about everyone's neighborhoods but I know in certain parts of my neighborhood there is a war zone, there is a war zone between a lot of the young African-American males and the police, and all I hear too often are the war stories about cops having used excessive force, even in the necks of the Friendship area, and these are from folks that do not look like me, are basically white, middle to upper income people, who have witnessed this themselves and have called my office and I was shocked to hear this. And I am not saying all cops do this. But let me please say from my experience what I have seen with these gloves.

No one is arguing that cops need protection. I have no problem with a cop putting on gloves to protect him or herself, for patting people down for an incident where they think that harm could come to them. Yes, it is a tough job; yes, I want to see them protected, the bullet proof vest. They need all the ammunition necessary to actually police our neighborhoods. But the problem that I seen, gentlemen, is cops with the fingers cut out of the gloves. Now, you tell me -- and I think this is where this whole issue came from -- you tell me where in the world the protection comes from with black leather gloves with the fingers out of them? Clearly that is nothing but intimidation, absolutely nothing. And I think this is what the Chief is trying to recommend. We do not want any of that crap out there, we have enough problems, we have enough war. I think it is time that the cops learned -- like we talk about Community Oriented Policing, that whole concept of the toughness and intimidation is diametrically opposing philosophy of the COP Program.

So, what I am suggesting: Councilman Ferlo, I think you have the best suggestion, yes; this cannot be debated right now, we do not have all the information, we really don't know what the Chief has seen, we do not know what the F.O.P. has seen. We need to get

clarification from all parties on what are the hazards out there and why the Chief went and had an order: we don't want any more leather gloves and you all better not wear them. Where did this come from? Because if my impression served me well in my area, all I know is kids have said cops will roll up, not with black leather full gloves, we are talking about with the fingers out of them. Now, what does this mean; who are these cops; why do they have their fingers out of there? It reminds me of the same thing as brass knuckles. What is that?

So, again, if you are going to talk about gloves, if you are going to talk about gloves as protection, fine, let's have a meeting on this. Let's talk about the protection. I want to protect our cops, too. I agree with Councilman Ricciardi, leather is best, but I want a full leather glove. Don't roll up on anybody with the fingers out of them. That's why I want -- I want those questions answered in this meeting.

The Chair:

Just on procedure. Councilman Cohen is an elected official, not only chairing the Public Safety Committee, he is certainly free and if not obligated to send any letter he wants, that is his prerogative, in response to Mr. Udin.

On the issue before us, there is not a motion on the floor. I just want to reiterate, I do not know what the Chief's motivation was. This Council has never denied our officers or any Administration bureau whatever they requested relative to safety, whether it be the upgrading of weaponry, whether it be upgrading of technology, clothing. I mean I have been here seven years, we have never denied anything, we have always rushed to make sure we put some financial resources in place to address the issue. I have not formally heard from the F.O.P., other than the side bar conversation, I have never heard anything from the Chief other than comments made in the newspapers. So, just to be very clear, I do not know what the motivation was, and I am glad Mr. Cohen is just sending his letter, not offering a motion here because I think we need to be a little more deliberative and understand at least what the issues are before we would formally take any action.

So, at this point, I would like to suggest, other than a couple people having the last word, Mr. Cohen is going to send his letter, at this point it is not a letter from the body, and just speaking personally, I think we need to have a meeting and better understand what the issues are regarding the Chief's directive. And, also a part of that meeting, if there is a safety issue, going back to Mr. Udin's comment about HIV, if there is some safety issue, let's genuinely talk about what are the proper safeguards and resources we can provide to the police, as well as other Public Safety personnel, who have this problem with physical contact and biting or whatever the particular problem is. So, let's just deal with it, rather than kind of get into this labor/Chief fight and the black glove versus cutting off the fingers.

Other than what Mr. Onorato points out, I do not know that any of us have received any specific information or complaints from any constituents. Let's at least allow the Chief to express to this body what his motivation and what is the essence of his directive, which he may

have done for Mr. Cohen, I do not know, but he has not done it to the rest of us.

Let's try to close this out. Mr. Cohen, you have the last – Mr. Udin, question.

Mr. Udin:

That I hope that if we have a meeting about this that this question could be answered during the course of this meeting, that has to do with the procedure for modifying the Police Uniform Code, I would like to know if the procedure is that some officers just decide that they want to change it and start wearing it, or if there is a written procedure for how the Code is changed and who has the authority to do it. I would like to get information about that. That may be what the real issue is, the Chief saw that the procedure for changing and modifying the Uniform Code was not the procedure that was used and moved to enforce the procedure. I would like to know what that is.

The Chair:

Well, I am only suggesting that we deliberate and hear from the Chief directly before we take any formal action. Mr. Cohen.

Mr. Cohen:

I think that is a very legitimate question, plus the enforcement issue that you brought up before, Councilman. The reason I raise this issue is because of the Chief's order. That is the reason I raise this issue. I think personally, and I am not putting other Councilmembers on the spot this morning, because I understand they need more information, but personally I believe that that is an order that could potentially put police officers in jeopardy, and that is why I raised the issue. I did call the Chief of Police this morning to begin that discussion, that discussion with Council, unfortunately the Chief is out of town today but I am sure he will return my call, we have a very good relationship, we communicate very frequently, and I will ask him to come to Council for a post agenda meeting or any other kind of discussion Council wants on this issue.

But, to me the bottom line is that police should be allowed to use the equipment, or in this case, a uniform item that protects them. I agree with Councilwoman McDonald that that means it has to be regulation items, full gloves, not with fingers taken out, but – and they should be available as needed. I have spoken with F.O.P. President George Swanson, who said to me, and he certainly can speak very well for himself, but said to me that he is not asking that police wear these gloves from morning till night but only to have them with them as needed. So, if they have a pat down or other procedure where they believe the safety of their hands could be in jeopardy, that they could put them on then. I think that is a very reasonable course to take, and I look forward to having the Chief return my call and have a dialogue on this issue.

The Chair:

Thank you very much. Other comments? Any other matter to be brought out under Motions and Resolutions?

Again, Councilman Cusick has requested a post agenda meeting with Engineering and Construction and the Mayor's Office regarding the Pioneer Avenue situation.

At this point, I would ask for a motion to approve the Minutes and a motion to adjourn.

MR. UDIN moved to approve the Minutes of Thursday, September 7, 1995 and Tuesday, September 12, 1995.

MR. ONORATO seconded the motion.

Which motion prevailed.

And on the motion of **MR. UDIN**

Council adjourned.

(BEGINNING - MESSRS. HERTZBERG AND FERLO'S COMMENTS ON BILL NO. 1927, THURSDAY, SEPTEMBER 14, 1995)

Mr. Hertzberg:

Motion to approve for discussion.

Mr. Ferlo:

Second.

Which motion prevailed.

Mr. Hertzberg:

Thank you, Mr. Chairman. This bill has been on the agenda, it has been carried forward for quite a few months now. It originated with a complaint from a small operator of a theater located in City Council District 2 complaining about a licensing fee for producers of amusement. This particular producer was being asked to pay quarterly fees for what was a place with a small seating capacity of maybe 100 or so people watching plays, being asked to pay $120.00 quarterly for a licensing fee. In addition to the other taxes that we impose on such operations, amusement tax regular income tax.

We convened a group of people and we found out that there were a lot of revisions required in this particular area. The people involved — Dave Keller I have to thank him, our Budget Office Manager, for all the hard work that he has done to come up with the revisions that were agreed upon by everyone. He convened a group that included Finance Chairman Onorato; Dom Cimino who's here with us at the table, the Superintendent of B.B.I. which was responsible for collecting these licensing fees; Richard Bruce from B.B.I and Brian Gabriel from the Law Department who has drafted quite a bit of legislation; Richard Fees our City Treasurer; Lisa Moses from the Mayor's Office; Trudy Williams from Finance; Rob Rock from the Mayor's Office, so we had input from everyone and now we are ready at least to amend Chapter 771 and there are a couple other chapters — 773 and 777 that we will be introducing amendments on next week. But at this time I want to make a motion to amend by substitution.

Mr. Ferlo:

Second.

Which motion prevailed.

The Chair:

All in favor? Opposed? The ayes have it. On the bill as amended?

Mr. Hertzberg:

I have distributed an explanation of what the changes are in these different chapters. In our first change the definition section of this amusement place and producers provision has been changed. We have taken out of it some obsolete terminology like Vaudeville and we have also taken out of the coverage of this scholastic non-adult or children events such as high school football games. They were technically covered before by this licensing provision although it wasn't being enforced and that was a lot of the effort here was to eliminate unequal or unenforceable provisions that are in here.

Second, we moved the amusement arcade and pool hall coverages for these licensing fees to another chapter -- Chapter 777 under Mechanical Amusement Devices or it will be moved next week because they don't belong there, they belong more in that other provision.

Also, there were a few provisions that use the terminology "seating capacity" and that became a real problem. People would take seats out to get within a certain number and to change the fees that they were paying when actually the same number of people would be using a place potentially standing or finding some other way to get in there so we took that out. There were also provisions that would call for payment of the licensing fee equal to five and ten times the highest ticket prices in addition to quarterly fees. It also broke it down into two separate cases and in doing that one being for places of amusement, one being for producers of amusement. Now we have changed that. We have put them together in stating what the fees will be both places and producers are together and for the small ones whether it be a place or a producer, if it's 500 or less capacity, it's one fee $50.00 annually and those that are higher, it is $450.00 per quarter which is what it is right now and that has not been changed. That was the fee for a place of amusement with that capacity.

We have also -- in doing this I've also attached here a breakdown of the receipts in 1994. You see total receipts under this Chapter of $143,000.00 and a breakdown into the different places of amusement and to pool halls and arcades which we're not changing at all, we're moving it around. We are trying not to lose any revenue on this and what we're doing, we are lowering it for the small producers but we're changing the method to what is happening. We have the Special Events Committee which is really in charge and responsible for

calculating these events that require us to use special and extra details of police and in trying to follow through on that we are changing this chapter. Instead of having the Superintendent of B.B.I. in charge of calculating these fees for special detail police we are going to have the Director of Public Safety or someone designated or the Administration designates to do that. There were provisions on minors playing pool that are kind of obsolete that we propose to delete and there is a provision of having obscene pictures in amusement arcades that will move to the section on mechanical amusement devices. That is the proposal in summary.

The Chair:

Any other questions or discussion?

Mr. Hertzberg:

Effective January 1, 1996 so we don't break these up in the middle of the year. We'll start January 1st of next year. Thank you.

I have to agree that it doesn't seem appropriate to allow anyone to play some video games but to prevent them from playing pool is something that is backwards. Pool is a more wholesome activity. The entire chapter on Sunday activities we will put in legislation next week to delete that.

Mr. Ferlo:

I want to thank Mr. Hertzberg for rolling up his sleeves and bringing the folks together at the table especially within the Administration but also others who are knowledgeable in just pulling this whole thing together. It's very confusing, it was antiquated and this is far more fair to the smaller business community.

The Chair:

I'm on here as a co-sponsor because an individual was complaining called my office too and I want to thank Alan Hertzberg for taking the lead on making these changes. All in favor? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MESSRS. ONORATO, UDIN AND FERLO'S COMMENTS ON BILL NO. 2395, THURSDAY, SEPTEMBER 14, 1995)

The Chair:

Deputy Mayor Tom Cox and Steve Leeper will be in here in a minute.

Mr. Hertzberg:

I have some background on it.

Mr. Ferlo:

I think the public is owed an opening presentation about what this bill is all about even though we have been briefed privately. We need to understand that this is the beginning of a series of bills that we'll be voting on for what hopefully will be a very exciting project. I think the Mayor and Mr. Leeper and Director Birru and our Planning Director and probably a lot of other folks including the private sector representatives should be applauded for a lot of hard work and diligence. Mr. Udin was there the other day to talk about with the media this event and how important it was but can you lay out for us what this bill is so the public understands it and then can you just better define to us both the other actions that Council will have to consider and what do you see unfolding as a project time line?

Mr. Leeper:

In fact I asked Councilman Onorato if maybe we can move the other bills up because this is related to those other bills.

The Chair:

I know we have a lot of tax increment financing that is related to the North Shore which is unrelated to this bill.

Mr. Leeper:

We're referring to the Golden Inner Triangle.

The Chair:

I have companion bills for about ten bills here. We can do them all.

Mr. Leeper:

Why don't I answer the Councilman's question.

This legislation is related to the T.I.F. legislation that will be before you later on in session. It pertains to both the relocation of Blue Cross into the former Horne's Building and also the construction of a new Lazarus store. As part of the negotiations with Blue Cross and having them relocate, we worked out an arrangement where Blue Cross would make a payment to the City of Pittsburgh and this payment would be $1.5 million annually with increases annually of four percent and as part of that agreement and what the City agreed to do was take that municipal service payment and apply it to the tax increment financing that would carry out both the redevelopment of the former Horne's Building and the construction of a new Lazarus store. So what we are seeing is a payment being made by Keystone to the City of Pittsburgh which it has previously never made, it is new revenues to the city and the City committed to apply both the property taxes on the new building and the municipal service payment.

Mr. Ferlo:

There's an outstanding legal gray area about whether or not Keystone and/or Blue Cross will be legally obligated to pay this on the business privilege tax?

Mr. Leeper:

Yes. The sense is that right now Blue Cross itself is not subject to business privilege tax. There is a gray area as to whether or not health maintenance organizations, and Keystone West is a health maintenance organization, is subject to that. In reviewing it with the legal department —

Mr. Ferlo:

— do we have a comfort letter from the Legal Department to this Council explaining — in other words I want some uniformity on how we are going to treat either Blue Cross/ Blue Shield, Keystone and or other HMO's in the city. And also how we uniformly apply the business privilege tax. What do we have?

Mr. Leeper:

We have a memorandum that outlines the issues that we discussed in terms of the gray area and the applicability of that tax to the H. M. O. organizations. The theory in general and I can get copies to the Council people that need it or want it the theory is that because an H. M. O. is regulated both in

practice and in price that it would not be subject to the local business privilege tax.

You're right in that we need to be clear about how we treat our health maintenance organizations in the city of which we have two being Keystone and Health America and we have had similar discussions with Health America and we would envision having an agreement with them that we would bring before this Council as well that would be consistent so that we at least understand that There is this gray area but they certainly want to continue to contribute to the well being in the City of Pittsburgh.

Mr. Ferlo:

In the vote today we're voting on authorizing you to enter into agreement — we are not voting on the specific agreement and at least some of us feel that in the future this Council not only in terms of legislative prerogative but more importantly just in terms of legality that if we are going to confirm some kind of municipal services agreement similar to the way the School Board would have to vote on as a legislative body we should also be in the same position. How do we know that in approving this today that the $1.5 million plus the four percent, that's what it's going to be? Do you have a memo of understanding?

Mr. Leeper:

Let me be clear about this. We will have a municipal service agreement that is an actual legal binding document, A; B, we also have a guarantee payment that in addition to this municipal service payment they will also sign guarantees that those payments will be made and they will be made to the trust account because if we intend to issue significant amounts of debt we need a very strong commitment that would have resource against the institutions.

Mr. Ferlo:

How are you segregating out this income to pay for the debt service as opposed to it coming into the General Fund? My concern is the further indebtedness of the operating principle. How is that done? We know what was done through the RAD where it never came to us in the first place.

Mr. Leeper:

What we will do is have a similar intercept mode where we would have and we just need to work it out both with our Finance Department to make sure that we have a legal right to do it but we believe that we do. What we would do would be enter into a

cooperation agreement with the Redevelopment Authority as the issuing agent to allow the monies to pass directly to the trust account so wouldn't even go directly to the U. R. A.. What it would do is go to the trustee.

Mr. Ferlo:

Somehow this dedicated income would never even come into the city operations.

Mr. Leeper:

Yes and there's an incentive on all parties to do it that way. There's an incentive on the part of Blue Cross who is saying they want to make sure the payment goes because they're going to have to guarantee it to the bond holders and that the fewer hands it goes to the better. So urban and the letter of credit bank that's backing the bonds that allows us not to have the general obligation on our books was going to want that as well. So to the extent that we can have a direct payment from Blue Cross to Keystone to the trustee, that's how we will structure it and it will ensure that we do not have that debt on our books and it will preserve the integrity of the bond issue.

Mr. Hertzberg:

But it will have to be included in the district.

Mr. Leeper:

It will be within the district but those properties and the increases in values hopefully that will be generated from the new redevelopment that goes on. We want that money to come to the city, the school board and the county. We only want the revenues generated from the former Horne's Building and the new Lazarus site to pay the debt.

Mr. Hertzberg:

You will come back to Council with the exact confines of this particular district at a later date.

Mr. Leeper:

Yes. Up until Monday night we didn't know where the district was.

Mr. Cohen:

Is there a legal opinion that says you can create a district and then opt every building out of the district except for two?

Mr. Leeper:

We will have a legal opinion on that. We are really talking about two issues here. We are talking about federal tax law that govern the issuance of debt and then we're talking about state enabling legislation that in fact allows us to carry four of these tax increment financing so we need opinions on both issues.

The Chair:

You will try for an I.R.S. determination letter.

Mr. Leeper:

No. We would have bond counsel applying to that.

The Chair:

We're still on the T.I.F. Mr. Leeper, do you have any other explanation on the T.I.F. yet before we move on?

Mr. Leeper:

No, unless there's other questions?

The Chair:

Before we get to the development fund I want to finish up TIF. I want to do one follow-up on TIP with Mr. O'Connor because he's heading in the direction I was going to ask and I think it is important because I don't think the media did a very good job in reporting the story. If you read the headline it appeared that the City was giving money out of our coffers to build a building for a private developer and that's the furthest from the truth.

Two scenarios under this agreement. Let's say that the property values never go up and they stay in and let's say that right now the properties are giving us $600,000.00 a year. We go 15 years the length of the debt service. At the Year 16 property values from the assessment are the same. The debt is paid off and this building will continue to pay the $600,000.00 to the City in Year 16.

Mr. Leeper:

No, in Year 16 it will pay closer to $1.3 million in total taxes.

The Chair:

But what if it was never assessed? The value does not go up — I'm assuming a scenario here, the building does not go up in value. What happens is they agree to pay the increase for the length of the debt service so they pay the debt service and in Year 16 the debt is paid off, the property didn't go up and we continue to get what it was — $100,000.00, we continue to get that in the coffers. Secondly, what we want the building goes through the roof and the assessment goes up, two things can happen. One the assessment goes up but not as much as they agree to pay for the debt service therefore in Year 16 we get the increased assessment value to the City, whatever the taxes are related to it. The other scenario is the assessment goes beyond what they agree to pay for the debt service during the debt service period, during the 15 years let's say they agree to pay an additional $100.00 but the assessment goes to $200.00, they're paying the taxes. The difference between the second hundred will come to us wouldn't it?

Mr. Leeper:

No. What we would recommend is that we would go to pay debt service so that we could rapidly prepay the bonds and get those bonds and then we could then benefit from the full revenues back to the City within a shorter period of time.

The Chair:

In the third scenario, when it goes up more at the end of Year 16 we get the entire increase in tax in the city coffers.

Mr. Leeper:

Or if it has gone up before then the very likelihood is that this will not be a 15-year bond because of the fact that even if it goes up a nominal amount annually we'll probably end up having this on our books within 12 years.

The Chair:

The reason the media missed this and the reason I think this is such a great deal because the moment you go out on this bond issue and you get the documents signed by the private sector to agree to a minimum payment that's like having an instant reassessment for us because we went out and borrowed money based on this agreement assuming that it's going up in

value and that moment that we get that money they're paying the debt service for us, we are treated like we have a reassessment and we're getting a benefit instead of money coming to our coffers and then we write out a check out for borrowing and that's the real story that should be told here. And the other story is what Director Birru brought up is what would happen if we did nothing and that is we would not only stay the same we would go down and this is in no way giving away city dollars. What this is doing is generating city dollars.

Mr. Leeper:

I think the terminology that we consistently want to use is that this is merely a public financing tool that is backed by private revenues. They are all private revenue payments and there is no city guarantees associated with this transaction.

The Chair:

The guarantees coming from the private sector and keeping it in the simplest of terms they're guaranteeing to us a minimum increase assessment for a 15-year period and we are benefiting from it.

Mr. Leeper:

And they agree to take those revenues and put it and re-invest it in our city so that's the other point that needs to be made.

The Chair:

We have a philosophical difference here and my worry is under your philosophical explanation it expands on the negative side in that we are giving grants away and yet I compare this very simply to if R. I. D. C. park subsidized land in the suburbs and got a private company to move out there, they may not be receiving a grant but because of that subsidy them moving out there and we can look at the Clark plant and yet they'll say look at all these private dollars that moved into my R. I. D. C. park. They wouldn't have done it if it wasn't for the public sector putting in money for that subsidized land. All we are doing is having our own R.I.D.C. park and funding it in a different way and we have major private dollars coming into our city and that's the story that should be told. I'm sick and tired of this negative spin that has been on this project from the beginning because the media will be the first to criticize this body and this Administration for letting these stores leave and why do we have vacant buildings. I applaud you because this was a great way to develop our own R. I. D. C. park in the Downtown area and that is the true story that should be told here.

Mr. Perlo:

I agree with both. The issue means test to me is whether or not this development will happen in the absence of the financing that Mr. Leeper and the Mayor have suggested and I would argue strenuously as a community activist and as a legislator for seven years that the answer is no that it will not happen. The fact of the matter is and I don't want to get into a long discussion that we all know about including competitiveness outside the City of Pittsburgh and to me that's the means test I use. If this were the university community, if this were some other corporate community that's engaged in some kind of construction activity, I want to look at each and every project separate and distinct and I think that's basically what the Mayor and Mr. Leeper and Director Birru have done here. I think it's peculiar to what the nature of the development. In this instance my means test is will this happen in the absence of this type of financing and I would say it will not. We will not do the Lazarus/Hornes Blue Cross/Keystone Building and we will not secure the major construction and maintain a third department store Downtown. That's the means test but can I ask one question?

The Chair:

Hold on. We were still on TIFs when we got diverted here. If it's on the TIF please I want Mr. Leeper to finish the total financing package.

Mr. Perlo:

On the TIF, Mr. Onorato raised the issue about assessments and as we know that's done by the County. If future councils change the property either by increasing lands and buildings, decreasing or by creating a unified system as opposed to the bifurcated system what affect legally does it have on the agreements that you will be entering into?

Mr. Leeper:

It's a very good question. There are different things that could happen in the future. Obviously they are entered into an agreement and it is binding so they will make that payment every year regardless. If the assessment goes up —

Mr. Perlo:

— I am not talking about that.

Mr. Leeper:

— let me go through what could happen in the future. The assessment could go up and our recommendation and our recommendation and we are putting in the agreements that the assessment and the increased value resulting from that assessment will go to the pay the debt off on the bonds. If in future years the millage changes which is another possibility, not the assessment but the millage, and school board or the City changes and increases its millage that that increase in revenues generated from the change in the millage would come back to the revenue coffers of the city and the reason for that and we had a great discussion and debate about this but what we don't want to do is have somebody who for whatever reason had to change their millage and took the hard knocks to do it. You don't want to increase your millage and have the — you disproportionately then subsidizing that tax increment financing. It is not the equal proportionate share that we all talked about when we started the thing because when you increase an assessment it is an equal percentage, when you go to an increased millage one body would be subsidizing the other two.

Mr. Ferlo:

I agree with you in principle if the agreement does the assessment and it comes back to shorten the life of the bond I'm all for that. I'm not for it if you're going to give away, if we change the millage.

Mr. Leeper:

The millage doesn't, it comes back to the City.

Mr. Ferlo:

And I also think legally there's a significant question.

Mr. Leeper:

That's why we agreed that that money will come back to the jurisdiction. If we get away from the bifurcated tax structure, our sense is that it would probably have an impact on these projects to the companies but they still have to pay and they understand that so that guarantee is there and you can be assured that the letter of credit provider is going to make sure of that.

Mr. Ferlo:

The last question. Some deals in the past by other communities have the City holding the bonds or being the debtor

and in this case Union Switch & Signal as well as this and future TIFs is somebody has to hold the debt on that as opposed to the City in terms of a default.

Mr. Birru:

With Union Switch there is a city guarantee.

Mr. Ferlo:

That's what we had a fight about but you've changed your policy relative to future TIFs.

Mr. Birru:

I don't think that was the cause. Blue Cross and Federated are rated very high and the payment will convince the bond holders that they will be paid over 15 years and so on.

Mr. Ferlo:

I don't want to get into Union Switch because I lost that battle and I voted no for that reason but the point is right now the policy of the Administration is that we the City are not going to be the —

Mr. Leeper:

— on the Alcoa it's the same way.

Mr. Ferlo:

We are not proposed to be the guarantor on that.

Mr. Leeper:

No. On any of the ones that we brought forth in the last year or so, no that is not the case. I don't want to say here that we would never bring one. Our goal is to find every way possible to have it privately secured.

Mr. Udin:

On the TIF, what exactly are we likely to expect if any on the City bond rating as a result of this project?

Mr. Leeper:

My answer to that would be is that it will probably have — I think it would have a positive impact in that there's new development going and from a development perspective it would show these new developments going on.

Two points. One is that we are only using revenues that are not coming to the City. Secondly, we are not guaranteeing the bonds. So the bonds are limited obligations of the Redevelopment Authority and will have no impact on the City. In fact, the City won't even be the issuing agent.

Mr. Udin:

You would anticipate it would have no affect on the rating?

Mr. Leeper:

No.

Mr. Birru:

The U. R. A. is part of the city and any agency of the city should help improve the image of the city itself.

Mr. Udin:

My understanding was that the sale of the water system did have a negative impact on the bond rating. If that is true, I was wondering whether or not this project may have the opposite of positive impact on the bond rating.

Mr. Leeper:

I think it will have a positive effect and the fact there will be now 650 new jobs within the city limits that we have increased sales in the Downtown, Pittsburgh so from a development standpoint not dealing with income and operations of the city it will certainly have a positive effect. It will not have, because it doesn't deal with city revenues and because it is not a city agency itself issuing the debt it will have a negative impact.

The Chair:

On the TIF? On that specific issue, the one thing that you can't measure and I think we would all agree that the best thing for safety downtown is people and if you're bringing 600 more people down, that would be better for safety than a building that's empty. It may actually cost us more in police service to protect something that wasn't there as opposed to visibility and people walking around.

Anything else on tax increment financing? Why don't we have Mr. Leeper go right down the list — development funds and then the state programs and we will address them in order.

Mr. Leeper:

The development fund is obviously is the fund that was created earlier this past year and we are work with the County to help participate with us in the funding of this project and what we're requesting is roughly half of it and working with them in getting the details of how it would occur.

The Chair:

Next line?

Mr. Leeper:

The $4 million in state funds Councilman, we are — again it's the same thing. We are working with the state to try and get the maximum amount eligible for this project and it is in the review and technical processes in the state and we are working with them right now.

The Chair:

Any other discussion?

Mr. Udin:

I want to thank you both for clarifying a complex financial arrangement. It is very difficult not just for the media who have a lot of sophisticated analysts on staff to do this so you can imagine what the general public must be going through. But I think the things that are important about this project is that it is a major commitment on the part of both the City and the private sector invest in Pittsburgh and in Downtown Pittsburgh and there are many, many benefits that will flow from that. I'm particularly pleased to see it happening in Downtown Pittsburgh because it is good for Pittsburgh and the region but even more so it happens to be in my Council district the jobs that it will generate, the opportunities for people who are currently unemployed and looking for work in construction and after the redevelopment has been done the new job opportunities that may be available from Blue Cross and from Lazarus are very exciting and important opportunities that I would hope that we'll have very enthusiastic support for. So I want to congratulate the Mayor, Director Birru and Mr. Leeper for putting together this project and I'm looking forward to supporting it as strongly as I can in making sure we can give the necessary support to all of the players, also the building trades union that will be involved in this project so there is increased opportunity created at that level as well.

Mr. Birru:

To give one information, Oxford has committed 20 percent or $10 million to go to minorities.

Mr. Udin:

Thank you. Has there been an analysis of the jobs that will be created from this project both during and after construction, the economic impact that it may have? Has that been done yet?

Mr. Leeper:

What we have done when we discussed this issue about the municipal service payment, what we did we wanted to look at the impact of maintaining. Obviously there are certain fields that we feel are important for us to retain and grow within the region. One of the areas is health care and one of the growing areas within health care is the H. M. O. business. We have two in the City of Pittsburgh: Health America and in the future, Keystone. What we did was take that one step further and find out what has that meant to Downtown Pittsburgh and what it would mean if we were able to retain and attract all these jobs in Downtown and does it mean if they decide to pick up and no longer locate here for tax purposes and we do have an analysis rather than getting into the details of that but what we have done is looked at both of those H.M.O.'s, their presence Downtown, the dollars and taxes generated from their employees which includes also their spending power and consumer spending so I would like to share that with anybody that would be interested in seeing that and I think it will reinforce the benefits associated with this.

Mr. Udin:

Thank you.

The Chair:

All in favor of both bills? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING – MR. COHEN'S COMMENTS ON BILL NO. 2403, THURSDAY, SEPTEMBER 14, 1995)

Mr. Cohen:

Discussion. Members of Council, this is a bill that was put forth by the Planning Department to extend the Area B. permit parking in Shadyside. I would urge Council to vote against this and the reason is, a couple of reasons. One, it is illegal in my view and I also believe it is unfair. Illegal in my view because if you look at the City Code section regarding minor expansions of permit parking and I have that in front of me here, it is 549.17, it says a street which is contiguous to an existing district may be deemed eligible for residential permit designation as a minor expansion of an existing district. This is not a street. What the Planning Department is putting forward is one and one-half buildings to be included in the permit parking area. They say two buildings but in fact it's one and one-half buildings and it strikes me as arbitrary and it is not a proper process. The process should be if you are going to add a street, add a street and get the 70 percent signatures, et. cetera but not to add a building here and a building there. The other thing is that it's unfair. It is unfair because first of all this district which the map was included in your materials there, as you can see is a very small district right near a Shadyside Hospital area which of course there is a great impact on parking. In fact, there are only 95 parking spaces in that district and right now there are 132 households in the district, 111 permits and 110 visitor passes. The point is that the number of permits is already far in excess of the number of parking spaces. So this will add an even greater impact on a small area. My suggestion is that we should start a new area if that is necessary and I'd be happy to work with them. I've said to Director Hirsh and Richard Meritzer that I'd be happy to work with them to start a new area but to add two buildings into a small area in a way that is I think illegal is the wrong way to go about this. There are too many parkers for too few spaces and it would hurt the problem even further. So I would encourage my colleagues to vote against this and let's go back to the drawing board and try to work with these buildings to create a new area.

Mr. Udin:

I'd like to have Director Hirsh and staff available to defend and give some history.

Ms. Hirsh:

Obviously we don't think it is unfair otherwise we wouldn't put it forward but we obviously have a disagreement. As often happens with residential permit parking which I know is one of

the reasons that it is unpopular in some districts. We don't think this minor expansion is going to have an impact on the Area B, it is just two building and the people who live in the buildings have petitioned to be added in.

We have done this a number of different times in other residential districts where we have included particular buildings who have requested to come in but if Councilman Cohen would like to work on an additional district we would be happy to do that and then add these buildings to that district once it is defined but it is unlikely that we'll be able to do that district in anything less than one year. These people have been waiting to be included in this district for some time and it is a process that has been going on for them for over a year and that's our position essentially.

Mr. O'Connor:

I am curious -- how many people are we talking about?

Ms. Hirsh:

There are 12 units involved.

Mr. Meritzer:

There are six units in each of the two addresses and each of them also has an occupancy for five off-street garages behind, so we are talking about a relatively minor shortfall of parking which is major to the people in this building because the only really reasonably close parking to them is Area B.

Mr. Cohen:

Mr. Chair, Members of Council. It is what would be regarded as a minor expansion but it's also a minor permit parking area; it is quite small. There are only 96 parking spaces in the whole area so I think we have to have a better process and I have worked very well with Eloise Hirsh and Richard Meritzer and Richard certainly has worked with us on Shadyside permit parking before but I disagree with you on this one. We have to have a better process on this than adding a building here or a building there. It has to be a process that is both legal and fair and in this case I don't think it is fair. I would ask that we take a vote on this Mr. Chair and if the vote happens to be a defeat then I will work with them to make sure we start a parking area.

Mr. Ricciardi:

I'll be brief. Councilman Cohen's argument is clear and compelling and I think the numbers are evident to themselves and

the basis of forming my opposition and that is just the 96 spots available. There is over 111 permits already given out and there's 100 visitors passes and it looks as though it's the straw that breaks their back and I think Mr. Cohen has extended the proposal and maybe we can look into it in another area itself so I'll be voting no on this.

The Chair:

Director, I will give you a comment.

Ms. Hirsh:

Just one thing which is that we have -- it is unfortunately true because of the parking situation in some neighborhoods that in many neighborhoods there are more permits out there than there are parking spaces. From our point of view this is a situation where the folks have already got their parking and are essentially saying that's enough we've got ours, too bad for everybody else.

Mr. Cohen:

Director, these buildings have parking spaces for these buildings and it's not as if they have no place to park. They do have parking spaces under the buildings and they've been going forever without having permits so we are not taking anything away but it's that we are not adding something right now in a way that would hurt the other residents of this area.

Mr. Ricciardi:

Do they have one spot per unit then also.

Mr. Cohen:

That is my understanding.

The Chair:

This apartment complex has parking for every unit and we're asking them to join in the permit parking, why would we do that?

Ms. Hirsh:

The citizens felt that they needed this additional parking.

The Chair:

That's all I needed to hear. Any other discussion? Roll call vote on the bill.

ROLL CALL

AYES 0 NOES 8 ABSTAIN 1

(NEGATIVE RECOMMENDATION)

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, September 26, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world as well as our own neighborhoods.

We are pleased this morning to have two young students here, Danielle

McGinnis from the 4th Grade, and Troy Titus from the 5th Grade, and they are at Linden School, and they are going to lead us in the Pledge of Allegiance. If you would like to come forward. They are accompanied by Dorothy McGinnis, the mom, and Judy Martier, her friend, and they are in the 8th Council District, Councilman Dan Cohen's District.

I think this morning it is appropriate also to extend a prayer and our hearts and sympathies to the family of Officer James "Rip" Taylor, and at this time I would also pay special note to the comments made in the Post Gazette this morning by Tim Stevens, President of the NAACP. I think this tragic, if not nonsensical death has to have some warmth and some good come out of it and I would call our Council to arms and read and comment on Mr. Stevens' concern and his articulation of the direction and the problems that we have to deal with. Our hearts go out to "Rip" Taylor's family.

And, at this time please lead us in the Pledge of Allegiance.

Danielle McGinnis
and Troy Martier:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Danielle, and thank you, Troy. I think that was the

largest and most articulate Pledge of Allegiance we have heard in these Chambers for quite some time, and our City Clerk has presented you with the Flag of our Nation and the flag of our great City. We want to thank you and your folks for coming down here today to lead us in the Pledge of Allegiance.

PRESENTATIONS

The Chair:

We have a number of guests in the audience today to receive a number of important awards and proclamations. At this time I would ask for the delegation from the American Diabetes Association to please come forward. Just stand right here and look at the cameras and don't be bashful. and look forward so that the public can see you.

Members of Council, on behalf of all of our colleagues here today, I would like to move the following resolution.

ALL MEMBERS PRESENT

No. 2477 **WHEREAS,** nearly 14 million Americans have diabetes, a disease with no cure that impairs the body's ability to convert food sugar into energy; and,

WHEREAS, diabetes is the fourth-leading cause of death by disease in the United States; and,

WHEREAS, in this year alone, more than 650,000 Americans will contact the disease and 160,000 will die from it; and,

WHEREAS, people whose diabetes goes undiagnosed and untreated are subject to any of its serious complications, such as blindness, heart disease, kidney disease, stroke, and leg and foot amputations; and,

WHEREAS, an increase in community awareness of diabetes, its human impact, and the American Diabetes Association, may stimulate public action in increasing research toward a cure, and spur better treatments for people with diabetes until that cure is found.

THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim October 1, 1995 to be the American Diabetes Association Walktoberfest Day in Pittsburgh Pennsylvania, and ask that every citizen participate in this walk-a-thon to beat diabetes and help support the American Diabetes Association's efforts on behalf of all of those who have this disease.

SPONSORED BY COUNCILMEMBERS JIM FERLO, DAN COHEN, JOE CUSICK, ALAN HERTZBERG, VALERIE A. McDONALD, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MR. CUSICK moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. We have some hard working folks here today from the Diabetes Association, they have been here in the past, and I am pleased on behalf of all Council, not only to recognize their hard work on behalf of those who suffer and unfortunately tragically often die from this disease. They work very hard, but the fact of the matter is, and we know it well, the success of the organizations, like the Diabetes Association, are directly related to the amount of volunteerism and support, financial and moral, that the public contributes. So, we want to harken their arrival here today and kind of awaken the community about the urgency and the way that the community itself can participate.

I think everyone of us has a family member, directly or very close to us that in some way has suffered from Diabetes. I know my own uncle has had a leg amputated as a result of Diabetes, and I am sure we can look towards our community and count unfortunately countless of individuals.

There is work being done towards a cure, and certainly in the meantime the important work of the association is just paramount in helping to relieve the suffering and actually kind of mitigate the horror that the Diabetes has on individuals and their families. So I want to applaud the efforts.

And, we have a number of individuals here today, Gina and Tony Caliguire. David Donahue is in the audience. Beth Markal and Dayna Kuhar, who work with the foundation. And we want to welcome them today. And, Tony, you have some comments.

Mr. Caliguire:

Thank you very much. My name is Tony Caliguire, and I am here today to accept the proclamation on behalf of the American Diabetes Association, designating October 1st, Walktoberfest Day. The company I represent, the Ohio Valley General Hospital Wound Care Center, is again proud to be a corporate sponsor this year.

Walktoberfest is the a walk-a-thon held every year by the American Diabetes Association across the country to raise money and awareness about Diabetes. It is expected to attract over 500,000 walkers nationally and raise over a million dollars to defeat Diabetes. Locally there will be five walks in Western Pennsylvania. The money raised from this event is utilized to fund research, education and provide special programs for Diabetes, such as Diabetes Camp for Kids. The ongoing struggle to find a cure for Diabetes is such an important one because of a large number of people who are affected by this disease. In 1995 alone 750,000 people across the country will be diagnosed and more than 150,000 will die. Currently over 90,000 people in Allegheny County have Diabetes. Diabetes affects the body's ability to produce or respond to insulin, which is a hormone that allows blood glucose to enter the body to be used for energy Complications that arise include heart and kidney disease, stroke, blindness, nerve damage, birth defects and impaired wound healing, which may lead to infection and possible amputation.

This year's honorary Chairperson for the walk is Pittsburgh Steeler Jonathan Hays. Since being diagnosed with Diabetes in college he has been an active member in the American Diabetes Association nationwide, and has authored the book, "Necessary Toughness".

In closing, the American Diabetes Association would like to thank you for recognizing its fight against the disease. Through continued research we will be able to improve the quality of life for people already diagnosed with the disease and eventually be able to find a cure. Thank you very much.

The Chair:

Thank you, Tony. Let's get the number for the public if they want to call in about the walk.

Ms. Caliguire:

If you are interested in the walk, you can call 1 (800) 254-WALK, and we can register you over the phone, or you can come out the day of the walk this Sunday and register there. Thank you very much.

The Chair:

Thank you. Thank you, colleagues. At this time I would like to call on Councilman Hertzberg.

Mr. Hertzberg:

Good morning. The individual that I am honoring with this resolution starts every morning at 5:30, finishes up around 9:30, maintaining a park located in Sheraden, a park and playground, called McGunnegle Field; she has been doing that for 12 years, has never asked to be paid, has never been paid, and I think the least that I could do in honor of her -- and she does an exceptional job with these volunteer services -- the least we could do is honor her with this resolution.

MR. HERTZBERG PRESENTS

No. 2478 WHEREAS, Donna M. Rosenwald is a resident of the Sheraden Park Cooperative; and,

WHEREAS, McGunnegle Field and Playground border the Sheraden Park Cooperative Townhomes; and,

WHEREAS, the City of Pittsburgh owns McGunnegle Field and Playground as a City Park; and,

WHEREAS, Donna M. Rosenwald began 12 years ago to volunteer her time to maintaining McGunnegle Field and Playground; and,

WHEREAS, Donna Rosenwald does an exceptional job in maintaining the field and playground; and,

WHEREAS, the maintenance duties she performs include picking up all refuse, raking leaves, cleaning gutters, trimming bushes, painting fences, repairing fences and painting over graffiti; and,

WHEREAS, Donna Rosenwald, at her own expense, purchases gloves, rakes, plastic bags and other supplies she needs to clean the park; and,

WHEREAS, Donna Rosenwald performs these volunteer services on a

daily basis, usually beginning at 5:30 a.m. and finishing at approximately 9:30 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh highly commends and recognizes these extraordinary volunteer services performed by Donna M. Rosenwald; and

BE IT FURTHER RESOLVED, that September 26, 1995 be Donna Rosenwald Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Donna is a little bit nervous. I do not think you should be nervous after doing all that good work for us. Would you please say a few words.

The Chair:

Congratulations.

Ms. Rosenwald:

May I read this?

The Chair:

Please, take your time.

Ms. Rosenwald:

Council President Ferlo, Councilman Hertzberg, Members of Council, I would like to make a brief but in-depth statement at this time to let you know exactly what I do and have been doing for the last 12 years all by myself in my little niche in my community.

I got started and involved one day when I realized all the work that wasn't getting done and the fact that the weeds and the vines were ten feet high coming over the fence into the plan of townhouses where I live, right next to the steps leading down into McGunnegle's. I cut them down myself, took me three days to do it. Then I got one side of the hillside by the steps cut with the mower and the other cut with a weed whacker, and it has been done that way ever since.

I fought for 12 years to get lighting for the entire playground and ball field, finally getting it approved, but I changed my mind, as they would have been on the basketball court all night and the neighbors didn't want the noise – I didn't mind – but I did walk door to door to get the petition signed.

Since I began taking care of the playground I have been called every name from stupid to crazy. Now the kids appreciate what I have been able to get done for them and the neighbors are proud of their playground. Any time the kids need something or want something done, especially relating to the basketball court,

they come to me and ask if I can help, which I can and do. During Little League Baseball Season, from March to July, it takes me four to five hours each morning to clean their mess. This doesn't mean that the Baseball Association doesn't help. But this doesn't include when the drunks and the partyers, after dark, party and try

to destroy the park, which they are slowly doing now.

I had the proper signs put up regarding glass bottles, when the park closes, et cetera, they cut them down, they disappeared. The Baseball Association does use bags in their cans but, however, they are very, very thin, you lift a bag the bag rips. Each morning the garbage is everywhere from the concession stand, what the people bring and the partyers. I raked everything into piles, literally piles, bag the piles into small bags, put all the small bags into big, Glad 39 Gallon Lawn Bags. I clean out all the garbage cans, re-bag it all, it is all stacked and ready, when the truck comes down, it takes them all of five seconds, throw it in a truck, they're gone. I do the entire playground, under the bleachers, the dugout the ball field.

I even rewired the tarp back down on the home run fence -- now understand I am doing this for the Baseball Association, too, so they should be saying, thank you. But, anyhow, like I said, you don't get appreciated, let's face it. I even rewired the tarp back down on the home run fence, as the kids tore it down, like they are doing to the fencing now. I have spray painted the low fences, I've cut the shrubs down, I've pruned trees, I paint over all the Graffiti, including gang Graffiti, which at one point for three weeks, I had to paint over Graffiti, not once a day but twice a

day with gallons of paint. Finally I got smart, I spread the rumor that I hid in the woods and I took pictures. So they know that I know who they are now and the Graffiti has stopped. And, I thought, clever, clever. But it has.

But, anyhow, I clean up all the cases of smashed beer bottles and cans, all the used -- excuse me -- condoms hanging on the fence, where they go to the bathroom on the ground and wipe themselves with their underwear, syringes, cracked bottles, et cetera. I do all the trimming along the fence, after the grass is cut. I rake all the grass out of the gutters, I keep the sewers clean and clear of debris, and I rake and bag at least 60 bags of leaves in the fall.

In other words, I am like a drudge, a laborer. If I see something that needs to be done, I do it, or I get the proper people to do it. I've gotten the trees pruned by the parks, dead trees cut down by Forestry, the basketball court repainted, not once but twice in one week because they did a lousy job and I told them about it. Well, they ran out of paint. I mean when you haven't had lines for years and they put the lines and the kids come running, you know, the lines aren't complete. But, anyhow, but I do get complete cooperation from Division 5, as we had no lines left at all. I get new nets put up when necessary; however, you can get them put up on a Monday and by Thursday, they're down, they're gone, they're stolen.

I get the street sewers cleaned out when I think it is necessary. I got trees growing together across Allendale Street cut down. I finally got TCI to come and take 20 pair of tennis shoes off of their

wires going across Allendale Street. And I got the -- I got the abandoned houses cleaned up and checked out by the City. We have three especially bad ones in a row on my street.

A former park supervisor wrote about me once in a Letter to the Editor -- thank, God, he didn't mention my name -- about how one woman alone, Donna McGunnegle, saved the City thousands of dollars and hundreds of man hours by all she did so he could send his men elsewhere to work.

You have to forgive me, I couldn't just stand here and say, thank you, because I have been killing myself for 12 years, and when people call you stupid and crazy, you think, just a minute, when people come down here and take pride in this playground, you can thank me for it. I care about my City, my environment, my community.

A Parks' employee once said to me, you know, Donna, if the Mayor knew all the work you did in this playground, he would fire one crew, which consists of four men, as you do the work of a crew. Everytime I come down to this playground, you're always here doing something, don't you ever stop? Well that comment made me feel very appreciated. I recently called the police immediately when our City garbage truck come down the street and knocked down our street light on the corner and kept on going. So, I called General Services, they told me to call 9-1-1. I called 9-1-1. They sent the police immediately. I then called the Street Lighting Department and they sent Sargent Electric immediately; however, the police failed to make an accident

report. Sargent Electric had to absorb the cost of the new street light, they were not too happy about that. I said, well, you learn from experience, the next time it happens, I will go right over to the police officer, saying, please take a report, because they were responsible for that.

I saw three -- excuse me -- punks cutting down six new street signs, I found the signs, the City come out immediately to get them, because I was informed, they cost $60.00 a sign. I even found the cutters they used to cut them down. Of course, when I saw them doing it and I yelled, you know what they had to say, you know, unprintable.

The City men were very happy that I got the signs and kept them for them.

I could go on and on but this is just an idea of some of the things that I do.

In closing, I just want to say, thank you for recognition and for listening to me. A lot of the time I think I'm nuts for doing all that I do, but I take pride in my clean park -- I call it the "cleanest park in the City". I don't allow a cigarette butt down there, let's put it that was. And, you know what parks look like -- as well as my neighborhood and community, so I guess I will continue to do what I have been doing. Many, many people have told me I should be reimbursed for all the money I've spent, that I should be paid for all my hard work, et cetera, but how can you add up 12 years worth. I really don't want to be reimbursed or paid, but what I really want only Councilman Hertzberg and Mayor Murphy can provide, and it has nothing to do with me, but it would make

me very happy and appreciative. They know what I'm talking about.

I recently joined the Sheraden Park's Task Force, and we have done

many things in our community. We just recently had a paint day down in Sheraden Park, I believe we spent six or eight hours painting everything in the park. So now I do things down Sheraden Park, as well, after I finish my park first.

I also belong to the Sheraden Community Council and Partners in Parks, although I never really hear from them, isn't that a part of CitiParks?

Once again, thank you very much.

The Chair:

Thank you. Donna, we are not sure if that was a proclamation or a public hearing on the status of our parks, but it was also partly a budget review hearing and I am sure that Councilman Hertzberg, who works very diligently about Sheraden Park, is going to be concerned about your comments on that. I think we obviously need to follow-up, you have been very helpful, you are dedicated, and it is a great honor to have you here because of your hard work. I think we learned from your comments and we will take heed and follow-up. Thank you.

She is one Tom Sawyer that didn't stop with the painting of the fence but she went on to deal with a whole lot of other park issues, and we applaud you, Donna.

Councilman Ricciardi, I believe you have a number of guests here today.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

Thank you.

Mr. Ricciardi:

I would like to invite our honored guests from St. Canice Alumni Association, if they could please come forward.

Colleagues, we have with us the President of the Alumni Association, Michael Watkins, and also Mary Donahue, Cede Jenkins, and my friend, Bernie Komoroski.

Colleagues, the St. Canice Alumni Association is more than just a social organization, but it is an organization dedicated to service, and obviously the hilltop communities thank you for that.

MR. RICCIARDI PRESENTS

No. 2479 WHEREAS, on October 7, 1995, **the St. Canice Alumni Association** will be sponsoring a 2nd "Grand Reunion" of all St. Canice High School and Grade School classes at The Sheraton Hotel in Station Square; and,

WHEREAS, **the St. Canice Alumni Association** has grown from the original 16 founding members in 1989 to over 500 strong, and contributed over $16,000.00 in donations, gifts, and renovations of parish facilities; and,

WHEREAS, although St. Canice has recently merged with 3 other hilltop parishes to form St. John Vianney Parish, **the St. Canice Alumni Association** remains active through various fund-raisers and special programs; and,

WHEREAS, **the St. Canice Alumni Association** purchased hand-painted vestments and altar cloths for use in their worship site, and initiated an "Educational Gift and Grant Program" (EGG) for alumni-sponsored students to continue their Catholic education; and,

THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates **the St. Canice Alumni Association** for donating their time and financial support over the years; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 7, 1995, "St. **Canice Alumni Association Day"** in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Thank you, colleagues. And, on that note, I would like to ask, Michael, if you would please come forward and say a few words. Congratulations.

The Chair:

Welcome, Michael.

Mr. Watkins:

President Ferlo, Councilman Ricciardi, and Pittsburgh City Councilmembers, it is with great pride and profound joy that I accept this proclamation from Pittsburgh City Council on behalf of our 500 plus members, the Board of Directors and Officers of St. Canice Alumni Association. It is through our memberships dedication, hard work and generosity that we are able to accomplish so much. With our various fund-raisers, such as the Shamrock Club and Travel Club, we are able to help with donations, gifts and renovations to parish facilities. It has also enabled us to sponsor the Educational Gift and Grant Program that allows alumni-sponsored students to continue with their Catholic education.

On October 7th, 1995, at our second grand reunion I will advise our membership of this great honor that Pittsburgh City Council has bestowed on us and how they have recognized our efforts. Thank you and God bless.

The Chair:

Thank you. Thank you very much. Congratulations.

I believe we have one to be read into the record.

MR. UDIN PRESENTS

No. 2480 WHEREAS, on September 24, 1995 Bethel African

Methodist Episcopal Church celebrates 187 years of existence, and lays this marker to commemorate the long-standing commitment to the Pittsburgh community; and,

WHEREAS, In 1801 in a small home on Front Street, presently known as First Avenue, a group of businessmen cam together in spiritual and brotherly love to

form the first African American Methodist Episcopal Church west of the Allegheny; and,

WHEREAS, these businessmen were: George Coleman, James Coleman; Abraham Lewis, Reverend John Peck, Reverend G.G. Basham, Reverend Lewis Woodson, G.W. Boler and Thomas Norris. They also started the first African-American School in Pittsburgh; and,

WHEREAS, Bethel A.M.E. Church held services at many locations until the opening of its permanent location at 2720 Webster Avenue in the Hill District. Its present membership is approximately 300, with Reverend Samson M. Cooper as Presiding Pastor.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Bethel African Methodist Episcopal Church for their contributions to the African American community, and extends congratulations as they celebrate a proud and lengthy tenure of service in the City of Pittsburgh.

MR. UDIN moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. At this time we will move to Presentation of Papers.

MR. CUSICK PRESENTED

No. 2481 Resolution providing for the transfer of $50,000.00 to the "Regional Asset District Park Maintenance Trust Fund," which represents front funding for the rehabilitation of various regional parks.

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2482 Resolution providing for a contract or contracts, or use of existing contracts for the rehabilitation of the Anderson Playground and providing for the purchase of equipment and materials for said project; cost not to exceed $375,000.00.

Also,

No. 2483 Resolution providing for the creation of a special trust fund to be known as the "Regional Asset District Parks Maintenance Trust Fund" for the deposit of funds and reimbursements to be used for the rehabilitation and maintenance of various regional parks.

Which were read and referred to the Committee on Engineering and Construction.

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED

No. 2484 An Ordinance supplementing the Pittsburgh Code, Title One - Administrative, Article XI, Personnel, by adding Chapter 199 - Performance Evaluation Program.— **(SPONSORED BY MR. HERTZBERG)**

Which was read and referred to the Committee on Finance and Budget.

MS. McDONALD PRESENTED

No. 2485 Resolution providing for the transfer of $200 from Code Account 1034, Salaries and Wages, to Code Account 1034-1, Premium Pay, Commission on Human Relations.

Which was read and referred to the Committee on Finance and Budget.

MS. McDONALD moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2486 Resolution amending Resolution 239, effective April 12, 1995, entitled, "Carrying over balances or portions thereof remaining in certain Code Accounts for the year 1994 to the same or to other Code Accounts for the year 1995.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2487 Resolution providing for the issuance of a $1150.00 warrant in favor of Michael Seman in settlement of claim for police vehicle damaging Claimant's parked car.

Also,

No. 2488 Resolution providing for the issuance of a $3133.97 warrant in favor of Adrian Kautzman in settlement of claim for missing personal items (Tools).

Also,

No. 2489 Resolution providing for the issuance of a $1889.45 warrant in favor of Martin P. Chabala in settlement of claim for accident involving a City vehicle.

Also,

No. 2490 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been

placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/NeighborFair Sideyard Program.

Also,

No. 2491 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2492 Resolution granting unto Warehouse Development Company, 5830 Ellsworth Avenue, Pittsburgh, Pennsylvania, 15232-1779, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence with locked gates, both ends, in portion of the right-of-way on Berlin Way between Fifty-Fourth Street and McCandless Street in the 10th Ward, 7th Council District of the City of Pittsburgh.

Which was read and referred to the

Committee on Public Works, Water and Environmental Services.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 2493 Resolution authorizing and directing the Solicitor to file an amicus curiae brief 1 with the Pennsylvania Supreme Court in the case of the City of Washington v. Washington and Jefferson College.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance and Budget.

The Chair:

Thank you. I would like to ask for a motion to waive Rule 8 on this bill.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

And also that the Solicitor be available tomorrow, as well as the Finance Director.

That concludes our Presentation of Papers.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business, I would ask the Clerk to read the following appointment.

THE CHAIR PRESENTS

No. 2411 Resolution re-appointing Jesse W. Fife, Jr., 1006 North Sheraden Avenue, Pittsburgh, PA 15206, as a Member of the Zoning Board of Adjustments, for a term to expire December 31st, 1997.

Which was read.

The Chair:

Motion. Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I have had an opportunity to be before the Zoning Board of Adjustment several times, and I just want to commend this individual. I think he is very fair, he asks very probing questions, and he really treats with dignity and respect all the residents that have come before him, and I am very impressed with this gentleman's ability. So obviously I am supporting him 100 percent.

The Chair:

Thank you very much. Other comments?

Mr. Hertzberg:

I am going to have to abstain, there is a potential appearance of a conflict of interest, as I appeared a couple weeks ago as a party and objected and the matter is still pending and, therefore, I abstain on voting on a Member who would deciding this case.

The Chair:

Roll call vote on the re-appointment of Mr. Fife.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 8 NOES none

(MR. HERTZBERG ABSTAINING)

And a majority of the votes of Council being in the affirmative, the re-appointment of Mr. Fife was approved.

The Chair:

The re-appointment is confirmed, and congratulations to Jesse, he is a hard worker, and we applaud his work on the Board of Adjustment.

Are there any other matters under Unfinished Business or Reports of Special Committees?

I want to welcome Mr. Lally in the Chambers this morning, and good morning, former colleague, and Stadium Authority Director. Welcome.

Other comments under Special Business, Reports of Committees? If not, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2494

Report of the Committee on Finance and Budget for September 20, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2436

A Resolution entitled, "No. 2436 Resolution transferring the amount of $1,300.00 from Code Account 1001-2, Salaries, Wages and Services of Council, City Council, to C.A. 1001-1, Miscellaneous Services, Supplies, Equipment, et cetera, City Council.— **(SPONSORED BY COUNCILMAN BOB O'CONNOR)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2437

A Resolution entitled, "Resolution providing for the issuance of a $1604.78 warrant in favor of Pete Mitchell in settlement of claim for auto damage incurred when City Police vehicle struck Claimant's stopped car on February 2, 1995."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2438

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales, in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."—**(AS AMENDED)**

Which was read.

Also,

Bill No. 2452

A Resolution entitled, "Resolution authorizing the transfer of $90,000.00 from Code Account 1400-1, Premium Pay, to Code Account 1443-6, Police In-Grade, Bureau of Police, Department of Public Safety. (Interim approval was granted September 7, 1995). **(PRESENTED BY MR. COHEN).**"

Which was read.

Also,

Bill No. 2454

A Resolution entitled, "Resolution authorizing the transfer of $83,000.00 from Code Account 1457, Purchase of Uniforms and Equipment, to Code Account 1448, Police Miscellaneous Services, Bureau of Police, Department of Public Safety. **(PRESENTED BY MR. COHEN).**"

Which was read.

Also,

Bill No. 2463

A Resolution entitled, "Resolution providing for the transfer from various General Fund Salary Code Accounts to General Fund Code Account 57-1, Retirement Severance Pay - Sick Leave, the aggregate amount of $490,099.00. (These transfers are necessary to ensure that the City's obligations to retiring employees are met for the 1995 Budget Year."

Which was read.

Also,

Bill No. 2465

A Resolution entitled, "Resolution transferring the amount of $8,000.00 from Code Account 1545, Street Lighting, to Code Account 1728-1, Premium Pay, both

accounts within the Department of Public Works. (This transfer is necessary to meet current premium pay expenditures). (Interim approval was granted August 21, 1995). **(PRESENTED BY MR. RICCIARDI).**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Onorato.

Mr. Onorato:

This is relating to Bill 2438. If the Clerk's Office can just do a follow-up in writing asking for the policy of the Sideyard Program, why some of them are Treasury Sales, why some of them are URA directed sales, and if we could have the policy brought forward in writing.

The Chair:

Other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2495

Report of the Committee on Planning, Zoning and Land Use for September 20, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1903

An Ordinance entitled, "An Ordinance amending the Pgh. Code, Title Nine,

Zoning, Article I, Administration, Chapter 909.06 (b) (14) - home office of a

physician or dentist, by setting guidelines for occupancy permits relative to Home Office exceptions.—**(SPONSORED BY MR. O'CONNOR)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman O'Connor.

Mr. O'Connor:

Yes, I would like my comments brought forward on 1903. It is a bill I

introduced last week, and I have your preliminary support.

(REMARKS-SEE ADDENDUM)

Mr. O'Connor:

It really gives back the neighborhoods a little more power in Home Office for doctors and dentists, it makes them live there, the way the originally -- the occupancy was set up for and controls that they cannot transfer the Occupancy Permit or their business to someone who would not live there, it is non-transferable and it -- what it basically does is give a lot of protection back to the neighborhoods against some of the few, very few that will abuse the system. So, I would look forward to your support.

The Chair:

I think the other good point you brought out in this bill was that you could have a physician that is found -- or adjudicated guilty of something relative to some criminal activity but unfortunately they may maintain their license for years past that and this I think creates a safeguard that was not available in the past.

Other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2496

Report of the Committee on Housing, Economic Development and Promotion for September 20, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2383

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, by Resolution No. 1056, effective August 24, 1993, by Resolution No. 1219, effective November 1, 1993, by Resolution No. 755, effective October 19, 1994, and by Resolution No. 846, effective November 4, 1994, and Resolution No. 937, effective December 7, 1994, entitled, 'Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U. S. Department of Housing and Urban Development for a grant in connection with the 1993 CDBG Program,' so as to decrease a line item in the Housing Authority of Pittsburgh and increase a line item in City Planning."

Which was read.

Also,

Bill No. 2385

A Resolution entitled, "Resolution providing for the filing of an application with the EEOC for a grant in connection with deferral of employment discrimination charges/EEOC-706 Project; providing for execution of contract and for filing of requisitions, etc.; maintaining a special trust fund in connection with the project and providing for deposit of funds in a bank account."

Which was read.

Also,

Bill No. 2428

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block and Lot 175-D-74, under the Residential Land Reserve Fund.--**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,
Bill No. 2429

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and Better Block Development Corporation for the sale of Block and Lot 175-D-74 in the 13th Ward of the City of Pittsburgh for $1,000.00 -- Residential Land Reserve Fund (residential construction).--**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2430

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in

and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block 174-H, Lots 367, 371, 374, under the Residential Land Reserve Fund.--**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2431

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and HACP for the sale of Block 174-H, Lots 367, 371, 374, in the 13th Ward of the City of Pittsburgh, for $1.00 plus costs -- Residential Land Reserve Fund (community-center/maintenance facility).--**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2432

A Resolution entitled, "Resolution authorizing the URA to acquire all the City's right, title, and interest, if any, in and to the publicly-owned property in the 14th Ward of the City of Pittsburgh being designated as Block and Lot 54-F-56, under the Residential Land Reserve Fund.--**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2433

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and Michael J. Kist for the sale of Block and Lot 54-F-56 in the 14th Ward of the City of Pittsburgh for $500.00 -- Residential Land Reserve Fund (sideyard).—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2434

A Resolution entitled, "Resolution authorizing the URA to acquire that property in the 22nd Ward of the City of Pittsburgh owned by Federal North Limited Partnership, and designated as Block and Lot 23-L-80, under the Industrial Land Reserve Fund.—**(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2435

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and Paula Barnett for the sale of Block 50-L, Lot 56 in the 10th Ward of the City of Pittsburgh, for $1.00 -- Property Management and Maintenance Program and Residential Land Reserve Fund (PMMP Sideyard).—

(MS. McDONALD AND MR. HERTZBERG)"

Which was read.

Also,

Bill No. 2457

A Resolution entitled, "Resolution amending Resolution No. 1224, effective

November 1, 1993, entitled, 'A Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the Rehabilitation and Modernization of Housing for Low and Moderate Income Persons Program, at a cost not to exceed $1,004,000.00' by decreasing the amount to $904,000.00. **(PRESENTED BY MS. McDONALD AND MR. FERLO)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. COHEN PRESENTED

Bill No. 2497

Report of the Committee on Public Safety Services for September 20, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2453

A Resolution entitled, "Resolution amending Resolution 478 of 1995, entitled, 'A Resolution providing for new and/or existing agreement/s and/or contract/s for the purchase of software, maintenance and related equipment for tripsheets for ambulance services,' by changing the funding source from the Department of General Services Miscellaneous Equipment Code Account to Emergency Medical Services Trust Fund, and by decreasing the amount from $100,000.00 to $85,138.00."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 2498

Report of the Committee on Engineering and Construction for September 20, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2382

A Resolution entitled, "Resolution amending Resolution #1006, effective August 24, 1993, entitled, 'Providing for an agreement or agreements, or use of existing agreements and/or a contract or contracts, or use of existing contracts, for construction and related construction

management and design services of Phase I-Courts Facility of the Public Safety Complex,' by amending the title to include the purchase of equipment and materials for said project; at a cost range of $13,000,000.00 or more, but less than $16,000,000.00, chargeable to and payable from the following Code Account: EC92-525, $4,000,000.00; EC93-525, $4,000,000.00; EC93-525, $12,000,000.00."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions. I will remind our colleagues, please we have a public hearing this afternoon, I believe it is at 2 p.m., and we need a quorum, it is a proposed zoning change.

Other discussion? I have also been informed that the alleged suspect in relation to the killing of the police officer, Mr. Taylor, has been apprehended.

Other discussion, comments? Motion to adjourn.

And on the motion of **MR. HERTZBERG**

Council adjourned.

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILL NO. 1903, WEDNESDAY, SEPTEMBER 20, 1995)

Mr. O'Connor:

We had a public hearing last week. This is a bill that will tighten up the regulations and I want to make it clear it does not affect any existing doctors or doctors that are in commercial neighborhoods. This makes it tougher for home offices. At one time we had a lot of doctors in neighborhoods and they lived in a home, they lived upstairs and had an office downstairs. What this does, it will require the resident -- the physician or dentist has to live at the residence where the business is. The occupancy permit is not transferable. In other words, he or she can't sell a business to someone else living out of that residential neighborhood.

What happened in Greenfield, we had a doctor for over 40 years sell to a doctor that had a questionable reputation and there was no way we could have that person removed. He is serving time in jail now so finally the place is up for sale and that stimulated this bill.

The other part is if they fail to maintain an active or continuous practice at the primary residence, they must do that. If a physician or dentist licensed to practice medicine is suspended, restricted or revoked the occupancy can be lifted. Or if the physician or dentist is convicted of a first or second-degree felony from the Penal Code of the Commonwealth of Pennsylvania the occupancy permit can be lifted. It really protects the neighbors. We had a tough time removing a physician in Greenfield who was open until all hours of the evening selling to the wrong element. In fact, at one time his license was suspended and he had someone else doing business in there. This tightens up the home occupancy and I think we have the support of Zoning on this.

Mr. Ricciardi:

Let me say I had an opportunity to share this legislation with a doctor in my district who I trust and who thought it was a good piece of legislation. He didn't have a problem with it so I want to make it clear that I also shared it with an M.D. and complimented you on it Mr. O'Connor so I'll be voting for it today.

Mr. Ferlo:

I support the bill. I had a similar situation in Highland Park with a home physician office and I'm appreciative of Mr. O'Connor working on this bill. I didn't understand quite understand the Planning Commission's problem. In their report

and recommendation to us they indicated that one of the sections they considered redundant, I'm not sure if Mr. O'Connor has a response to that; I don't know. I think it is semantics from what I can read of the Commission's comment about deleting "H3" or one of those points about the revocation or if there's some conviction. Can you just clarify that?

Mr. O'Connor:

Yes. They thought and it is easy to misunderstand. They thought two and three said the same thing. If a physician's license is suspended or revoked automatically they thought if he created a felony that it would be suspended too. But the person I'm talking about is in prison right now and his license is still in effect. Because you are convicted does not mean your license will be revoked so this strengthened that. They presumed that if you were arrested you automatically lost your license but that is not the case.

Mr. Hertzberg:

Thank you. I support the legislation and I've heard a lot of incidents like that. They have a separate civil proceeding to invalidate the license of professionals so that the conviction in and of itself doesn't do it so this kind of thing is needed unless they change the procedures for the civil revocation or make them faster.

I see on your copy it looks pretty good but the one I provided has a couple clerical errors in it. In Number Three, if the physician or dentist should be "is" and then convict them of first — it should be "or" and it says "for".

The Chair:

My copy has the same typo so we'll have that clarified by Tuesday's final vote.

Mr. O'Connor:

I have talked to many, many physicians and they all support it. It does not affect any commercial physicians at all but if one doctor or dentist wants to open up in a neighborhood he or she is welcome but they have to live there.

The Chair:

Very good. All in favor? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 3, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

I would also ask at this time when we have our prayer we give remembrance to Chief Mayer DeRoy, a great Police Chief, a great human being, a great humanitarian, a great leader in our City, who passed away a week and a half ago. Our hearts go out to his wife Debbie and to his family and he will be missed by all.

We have a young man here today, John Davis, he is in the 4th Grade, he goes to Holy Rosary School, he is going to lead us in the Pledge of Allegiance. He is from Councilwoman Valerie McDonald's District, and he is accompanied here by his parents, Mr. and Mrs. Bolden. Good morning.

John, please lead us in the Pledge of Allegiance.

John Davis:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you all. Thank you, John, we appreciate you coming down here today with your folks, and our City Clerk would like to present you with flag of our nation and the flag of our City, and thank you very much for coming down here today.

PRESENTATIONS

The Chair:

Ladies and gentlemen, we have a number of important guests in the

audience today, and I would like to call on some of my colleagues, beginning with Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President.

The Chair:

Thank you, Mr. Cohen.

Mr. Cohen:

Good morning, Members of Council, members of the audience. Would all of those from our fine Fire Bureau please come up here to talk about Fire Prevention Week. How is everybody this morning. Come on a little closer, you guys.

I am very proud to have with us the entire Code Enforcement Section of our Fire Bureau. Thank you all for coming here. And, we are here to declare Fire Prevention Week in the City of Pittsburgh. I do not have to tell you what a great job this Bureau does to prevent fires because obviously in the media and a lot of the discussion about the Fire Bureau, it is always putting out fires, and often there is not enough attention paid to all of the work that is being done by our Fire Bureau to prevent fires from happening in the first place, and it includes -- and I just got this in my office -- a door to door Fire Safety Campaign providing free smoke detectors, which hopefully the Chief will talk about. So that is just one of the many programs that the Fire Bureau puts into effect to prevent fires.

So, with that I would like to read this proclamation.

MR. COHEN PRESENTS

No. 2499 WHEREAS, each year fires in the home kill or injure thousands of people and cause hundreds of millions of dollars in property damage; and,

WHEREAS, many of these fires are caused by carelessness when cooking, misuse of matches and lighters, and heating/electrical problems; and,

WHEREAS, smoke detectors and automatic sprinkler systems greatly reduce the risk of death in home fires but the best defense against fires is to prevent them before they start; and,

WHEREAS, the Pittsburgh Fire Bureau is dedicated to the safety of the lives and property of Pittsburgh residents from the devastating effects of fire and Pittsburgh's firefighters recognize the value of proper planning and preparation before fires start; and,

WHEREAS; the members of the Fire Bureau thank the Murphy Administration, the City Council, the citizens of Pittsburgh, and those businesses, schools, and service clubs/ organizations who have been involved with fire prevention efforts in the past.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare the week of October 8-14, 1995 to be "Fire Prevention Week" and calls upon the people of Pittsburgh to participate in fire prevention activities at home, work and school, and to acknowledge and observe the theme of this year's Fire Prevention

Week: "Watch What You Heat" to prevent home fires.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you, Members of Council, and thank you, Members of the Fire Bureau, for all that you do and working with organizations and trying to prevent fires here in the City of Pittsburgh.

And, I would like to prevent – present – let's prevent and present – present this proclamation to Chief Dickinson. Congratulations, Chief.

The Chair:

Thanks, Chief.

Chief Dickinson:

I always like to explain to people quickly why there is a Fire Prevention Week. For those of you that do not know why this week was selected, next week is the date, the anniversary of the great Chicago fire, which originated many, many years ago. But, it is a time for the community to stop as a whole and to think about what occurs to us in fires. And, what is different about this group that is with me, and I want to point out some different things that they do, is that they are not the ones that you see on ladder trucks or engines responding to extinguish fires, they are the ones who work so hard throughout the year to prevent those fires.

It is kind of a dichotomy that we are in because what we would really like to do is never respond to a structure fire, but we realize with human beings being that they are, we would probably continue that. But, behavioral change, being aware of the horror of fire, is something that these folks right here are particular aware of.

There is someone in the audience that I cannot help but mention right now who probably could drive it home more than anyone, and that is Dr. Jones from Mercy Hospital that is here this morning I think with another proclamation soon to come up. What he sees is what we see in the beginning at structural fires, and that is injuries and sometimes deaths due to fires.

And, the problem that these gentlemen here have selling to the community, like most of the people in this room, that fire is not real, it really does not happen. Mr. Hertzberg knows that is not true, because last Friday night a central business in his district burnt, a three-alarm fire, removed a bar from the active rolls of taxes, and that is difficult. Fortunately, are there good things that happen to fires? No one was injured that night.

But, this community cannot afford the frequency of fire that we see. Last year there was over 420 structure fires that total over seven million dollars lost. That is a hard hit for this size community. But, what these gentlemen do, though, is to prevent, and what I would like to show you is a list that you do not want to be on in Pittsburgh, because this is how real fire is. In 1994, 12 people who were with us

are no longer with us. This is real. This happens in Pittsburgh. There are 12 people that no longer are with us. There are four children that could have been here but weren't because smoke detectors were not operating in their places where they lived. And, how well are we doing this year in 1995, we would like to think better. I am sure all of you know the heartache that we have had in February, and that was difficult for us but we have not stepped aside from our mission of what these gentlemen, Code Enforcement, are about. But, still with all that hard work there are still six people not no longer with us this year. And, it is smoke detectors that save lives, and I will save that last for Chief Micheli just for a minute.

But, what I want to share with you this morning is that smoke detectors and code enforcement and this sign is the most important thing that we can do, and what that says is "Watch Your Heat", and what we are trying to tell people in Pittsburgh, like most areas, heating and cooking is the leading cause of fires in Pittsburgh. Cooking in the kitchen, where the most friendly things occur that we enjoy as a family, and yet that is the most danger that people here in Pittsburgh face. So, we want to really stress that.

This group is divided by people things, all of them we describe as code enforcement. Instead of introducing names, the people here do what we call Fire Code Enforcement, that is in the major businesses and buildings throughout the entire City to prevent fires, to make sure the Code is correct. We also do hazardous material site inspection, so there are no problems with hazardous materials that are stored in the City. And, one that is -- I do not mean to say that it is my favorite, but probably it is the best bank for the buck, there are two people in here that do the Code Enforcement portion of it, which is what we describe as public education with our children and the Senior Citizens, which are at the highest risk in the City.

Perhaps the most dramatic thing that we have done, though, over the past couple years is smoke detectors being issued throughout the City. And, if Chief Micheli would just step up for a minute and give you some numbers, I think it is dramatic. And, thank you very much. My reminder: "Fire is real in Pittsburgh".

Chief Micheli:

Thank you for having us here. Most of you know us through the Smoke Detector Program. We are committed to hit every neighborhood, which is 90 of them in the City. Up to date we have done 30 neighborhoods. We have canvassed approximately 30,000 homes and have installed approximately 5,000 smoke detectors. I know Mercy doesn't want this known, but I have got to mention it, they are one of the sponsors. As you know on the fliers we are sending out right now, that they have supplied us with smoke detectors. You will be getting an announcement this week there are going to be two major firms that are going to supply enough smoke detectors to complete the program in all the rest of the 60 City neighborhoods, and maybe we will be doing two smoke detectors in every residence.

These gentlemen here are the ones that keep the system going. BBI, we work closely with them, they put all the systems in the City. It is our job to make sure they

are right and maintained. You do not hear about the successes. Last year one of the systems, which I am talking about now, a sprinkler system, they prevented a major disaster in one of our major department stores. Within the last two months a major Federal building and one of our hotels, the fires were put out by sprinkler systems. This is not a coincidence. These gentlemen here are the ones that go around every year and test these systems, and without them, it is like anything else, we would become lax.

I want for a minute just to get off the beaten track. I would like to introduce Captain Friel, he has 42 years on the Fire Department. He has been coming here year after year, he has been my teacher. I have been down there four years. I would like him to get up and say some words, because he has mandatory retirement facing him in January and this will be his last time that he can come over here. If there is anyone that has ever really been dedicated to fire prevention, this gentleman has. He is knowledgeable, he knows everything that is in fire prevention, and he knows all the Codes, and he is the one we always run to as a last resort. So, I would like to introduce Captain Friel and I would like him to say a couple words and I would like to take that license. Captain.

Captain Friel:

I was not ready for this. But, I think we have a good group, and we have come a long way. When I started in fire prevention 20 years ago, we lost 10,000 people over the country. Last year we were around 4,000 something. I think that is progress, and I am just glad to be part of it, and thank you.

Mr. Cohen:

Well, Captain, thank you for your service to the City, we appreciate it very much. And, thank you all for participating in fire prevention and for pushing this Fire Prevention Week. So, let's get a picture, please.

The Chair:

Thank you very much. Chief, this is the first time I ever heard you give a speech without commenting that you're supposed to check your battery once a year on the smoke detectors. When you change the clock, check your batteries and make sure that little beep, beep comes on. So, we want to remind everybody to do that.

Captain Friel lives in my district, he is a great guy, he is a Marathoner, runs track every morning. I think he runs about 20 miles every morning, he is in good shape, and he has got a lot of years. I follow him behind in the car.

Thank you, and congratulations.

Councilwoman McDonald.

Ms. McDonald:

Mr. President, one to be read in the record, and acknowledgment of some visitors.

The Chair:

Thank you very much.

MS. McDONALD PRESENTS

No. 2500 WHEREAS, Marilyn McKinney has a daughter named Ebony McKinney who has suffered from a life threatening illness; and,

WHEREAS, Ebony McKinney was granted a wish by Make-A-Wish of Western Pennsylvania. That wish included a personal visit with Whitney Houston; and,

WHEREAS, Marilyn McKinney realized the need to increase the awareness level in the African-American community of Make-A-Wish and what it does. She subsequently formed the African-Americans for Make-A-Wish Committee in 1994; and,

WHEREAS, the African-Americans for Make-A-Wish Committee has experienced tremendous success raising funds and increasing awareness with the help of many Pittsburgh media personalities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend Marilyn McKinney, the members of the African-Americans for Make-A-Wish Committee and all of the participants in the upcoming fundraising drive for their service to a very special group of children.

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Councilwoman, I believe you wanted to recognize some guests in the audience.

Ms. McDonald:

Thank you. I wanted to know if two very special guests could come forward. And, again, I am going to try, Ms. Naiyana Supapung from Thailand, and Mr. Anthony Chal, her escort. Could you please come forward and just have some comments to make.

Ms. Supapung is an attorney in Thailand, and this is all part of the International Visitor Program and the United States Information Agency in Pittsburgh has been honored to receive many international visitors, and this one is through the Meridian International Center. She is here to observe government for – in fact, you are going to be here for approximately one month. She has been here September 23rd, and she is observing all types of issues that are related to women, which is her area of concern in Thailand, and that means a myriad of women's issues, from abortion to employment to immigration and how women are treated when they come over to another country, to women's rights, higher education, you name it. So, again, she is on her way to Washington D. C., but she wanted to stop by Pittsburgh to observe, to learn really where we stand in terms of women's issues and just look at the dynamics that are going on. And, she has a fair grasp of the English, but I am going to ask you anyway if you would like to say something. And, of course, Mr. Chal, we

would really appreciate if you would just have some remarks. Thank you. Go ahead.

Ms. Supapung:

Good morning.

(Ms. Supapung's remarks interpreted by Mr. Chal)

Mr. Chal:

First of all, she said that I would like to thank you for the opportunity to let me observe the City Council in session and also that the country where I come from we don't have a such a thing as City Council or the politics of -- you know, at a city level and this will give me an opportunity to bring back to her hometown and spread the words around of the politics at a local level.

And I am so very pleased to have Valerie as a woman to be involved in politics at this level. In Thailand we don't have too many women involved in politics and I am very pleased to have her as my hostess.

And, again, I thank you for this opportunity.

Ms. McDonald:

Thank you very much.

The Chair:

Thank you. Thank you all, and we hope you have a safe trip here.

Councilman O'Connor.

Mr. O'Connor:

Good morning. Would the group from Duquesne please come up, Physician's Assistant Program. You might recognize David Kronzek, one of our paramedics. We have a group here from Duquesne Physician's Program. And, I will read the proclamation and we are honored to have you here.

Pardon me, I forgot. Mr. Ricciardi, come on up, you are a graduate of Duquesne, I forgot to invite you up here. And, my son is going to Duquesne now, so we have to give a little extra effort to that.

MR. O'CONNOR PRESENTS

No. 2501 WHEREAS, on Friday, October 6, 1995, the Department of Physician Assistant, at the University of Duquesne, will be hosting the fourth annual celebration of National Physician Assistant day. The Physician Assistant program at Duquesne University has recently graduated its second class of 24 students; and,

WHEREAS, the Physician Assistant profession has been in formal existence of 30 years. In that span of time, the profession has grown from 5 to

approximately 25,000 practicing Physician Assistants in the United States; and

WHEREAS, the physician Assistant education program at Duquesne University, which is one of 59 accredited programs across the country, was the first ever to offer an entry level Master's degree program in Physician Assistant education; and,

WHEREAS, the energetic mission of Duquesne University's Physician Assistant program is determined to prepare trainees, both technically and responsibly, for the valuable and demanding profession of a Physician Assistant; and,

WHEREAS, Duquesne University has proved to be one of the foremost educators in the United States of Physician Assistants.

NOW THEREFORE, BE IT RESOLVED, that Pittsburgh City Council commends and gives rave reviews to Duquesne University, the John G. Rangos Sr. School of Health Science, Department of Physician Assistant, and declares Friday, October 6, 1995 as "National Physicians Assistant Day" in the City of Pittsburgh to increase public awareness of this academic program.

MR. O'CONNOR moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, Duquesne has really done a miraculous turn around, just the physical plan alone, and if you haven't been there, you should go up and see it. And, I know, I am on a couple boards there, and I know we are doing a lot there in the health care field, which is a growing field. And, so, it is not just doing a lot of lawyers, graduating lawyers, which it is best known for, so --

Diane Zywotko, you are the Chairwoman, and would you please come up and say a few words and introduce everybody.

The Chair:

Diane.

Ms. Zywotko:

Hello. President Ferlo, Councilmembers, and especially Councilman O'Connor, thank you very much for the opportunity for the Department of Physician Assistant at Duquesne University to have the opportunity to have a proclamation. The recognition, of course, should go to the students that work so hard at this motion. We are very, very pleased to be able to share this moment with you.

I would like to just tell you something before I introduce the members that I have with me.

The year probably was maybe 1965, when there was a recognition of a

male distribution of providers for health care in this country. Physicians and

educators and policy makers examined the pattern, and along with the event of many military medics returning from Vietnam, the idea developed that a physician extender might be able to serve very well the needs of this country, in particular in areas of medically undeserved. And, in fact, in 1965, at Duke University, a P.A. Program was initiated and over this period of time we now have over 25,000 physician extenders, known as the Physician Assistants, or P.A.s for short.

It was about 1987 that the Association of Physician Assistant Programs decided that we should recognize this growing profession that really did make a contribution to quality health care, and in fact, that contribution was recognized in the form of a national P.A. Day, celebrated on October 6.

Duquesne University is very proud of its graduates and will continue to develop Physician Assistants to serve the country and the community.

At this time I would like to introduce one of our faculty members, Ms. Deborah Beatty, and then have each of the students come up and identify themselves and say something to you as well. Ms. Beatty.

Ms. Beatty:

Thank you, Diane. I joined the faculty at Duquesne in April of 1995, and I am enjoying the opportunity to educate future P.A.s to service quality health care providers.

The Chair:

Thank you.

Ms. Brower:

Hello. My name is Melissa Brower, and I thank you very much for this opportunity today.

Mr. Kronzek:

Good morning. My name is David Kronzek, I am a student at Duquesne. I would like to thank you for the opportunity to be here. Thank Councilman O'Connor for the proclamation.

Mr. O'Connor:

We got a Pittsburgh paramedic.

Mr. Sobear:

Hi. I am Jim Sobear. Thanks again for this opportunity. Hopefully this will help people to become more aware of Physician Assistants in our community.

Ms. Cronas:

Hello. My name is Johanna Cronas, and I am President of Duquesne's Physician Assistant Club and Class of 1997, and I am very happy that we had this opportunity, and I would like to thank the City Council very much. And, I am having a wonderful year as a student at Duquesne, our class is terrific, and I hope that one day I might be able to touch your life as a Physician Assistant. Thank you.}

The Chair:

Congratulations. Keep up the good work.

Councilman O'Connor, I believe you have another proclamation. One to be read into the record, on behalf of Mr. O'Connor and all Members.

MR. O'CONNOR PRESENTS

No. 2502 WHEREAS, the Sons of Columbus of America, Incorporated, under the direction of National President John R. Paciotta, is dedicated to promoting the

ideals and qualities as exemplified by the renowned explorer and discoverer of America, Christopher Columbus, and to encouraging civic leadership; and,

WHEREAS, since April 9th, 1925, the Sons of Columbus of America have established a superior record of public service as evidenced by their efforts to restore the Christopher Columbus Monument in Schenley Park and their leadership in organizing the commemoration of the Quincentennial Celebration honoring the 500th Anniversary of the Discovery of America in 1992; and,

WHEREAS, the Sons of Columbus will be holding their triennial convention at the Pittsburgh Hyatt Hotel from October 4th through October 8th. They will also be holding their 70th Annual Banquet on Friday, October 6, 1995. Included in the festivities, will be the first annual crowning of "Miss Bella Italia". The Sons of Columbus will also celebrate a special Columbus Day Mass at St. Paul's Cathedral on Sunday, October 8, 1995,

followed by a Memorial Service at the Christopher Columbus Monument in Schenley Park; and,

WHEREAS, the Sons of Columbus banquet honorees for 1995 are:

Rich D'Andrea,
Sal Patitucci,
Mario Farina,
Tommaso Sbarra,
Vincent Fusca,
Sabatino Sciullo
Kleo Nicholas,
Salvatore Tommarello; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends its thanks and appreciation to the Sons of Columbus for its many years of service to the City and extends its best wishes and congratulations to this year's honorees; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Friday, October 6, 1995 as "Sons of Columbus Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, VALERIE McDONALD, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Sons of Columbus Day. I see Mr. Natoli out there, our Veteran's Affairs Director, and our Honorable Jay Costa is here.

And, at this time I would like to call on Councilman Onorato.

Mr. Onorato:

At this time will all the members of the Columbus Day Parade Committee come forward. And, as they are walking forward, we do have Joe Natoli here, who is the Grand Marshal this year of the

parade, Guy Costa, the Executive Director of the Parking Authority, Mike Aquaviva, Jay Costa, Register of Wills, and we are also going to invite up Marlene Rende-Cassidy today, and we are going to stress her middle name because today you are Italian again, for everyone to know. Marlene from Councilman Bob O'Connor's Office. Now we know why Councilman O'Connor's Office works so efficiently, Marlene.

I am going to read the proclamation and then turn it over to some of the individuals here to comment on the entire celebration of the Italian community.

MR. ONORATO PRESENTS

No. 2503 WHEREAS, the Columbus Day Parade Committee is an organization consisting of representatives of all of the established social and cultural Italian/American groups in the area; and,

WHEREAS, the 11th Annual Columbus Day Parade will be held on Saturday, October 7, 1995; and,

WHEREAS, Joseph B. Natoli, the "Mayor of Morningside" and 46-year veteran of City and County public service, will be the Grand Marshal of this year's Columbus Day Parade; and,

WHEREAS, Joseph Natoli is a charter member and current president of the Pittsburgh Chapter of the National Italian Sports Hall of Fame. Also, he is a member of the Italian/American Veterans of Foreign Wars, a council member of St. Rocco's Festival and has been the director of the Columbus Day Festival since the beginning of 1985; and,

WHEREAS, The Columbus Day Parade and Festival is a significant event for the Italian community, as well as the entire City of Pittsburgh. It is an occasion to recognize the many Italian/American organizations and the hundreds of thousands of Italian/Americans in the area and their achievements.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the Columbus Day Parade Committee and its Grand Marshal, Joseph Natoli, for its outstanding contributions to the Italian/American community.

SPONSORED BY COUNCIL MEMBERS DAN ONORATO, JIM FERLO, GENE RICCIARDI, DAN COHEN, JOE CUSICK, ALAN HERTZBERG, BOB O'CONNOR AND SALA UDIN

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

I am going to at this point start with Guy Costa, as you know, who is the Executive Director of the Parking Authority, but also Chairman of the Columbus Day Parade Committee. Guy, let's me give you this here.

The Chair:

Good morning.

Mr. Guy Costa:

Good morning. Thank you, Council. Thank you, Dan. On behalf of the Pittsburgh Columbus Day Parade Committee, I do accept this plaque. And, I want to thank the Murphy Administration and the Councilmembers here for all the past support they have given and the current support they have given. Without your support we wouldn't make this possible.

At this time I am going to ask our Grand Marshal, Joe Natoli, to say a few words. Joe is a very proud man and we are just proud to have him as a committee member. He has been with the committee since the inception 11 years ago and is a hard worker, not only for the parade but for the Veterans and in the past with the City Administration and the County Administration, the Morningside Bulldogs. We can go on and on and on.

In fact, we have a contingency of Joe Natoli's friends which may take up half the parade. I am going to ask Joe Natoli to come up here and say a few words.

Mr. Natoli:

Thanks, Guy. President of Council, Mr. Ferlo, our district -- well, in our district, the 7th District, that's our man over there. But, it feels good to be back in this hall again. I guess I was here about a year ago. But, I had 35 years with the City, so I know a little bit about this building and, of course, I know all the Council people. I feel very honored this work has been carried on with Guy Costa and the Costa family, and they have kept the tradition going for years. Well, I think it was about five or six months ago when they announced that I was going to be the Parade Marshal and I thought they were all wacky, because I used to take care of the festival but now, as you know, after the parade, we're going to be over Station Square and they're going to have the festival over there. So, they eliminated that job for me. So, they had to do something I guess and they made me Chairman.

But, I feel great and honored. You know we talk about Italians and all that, it's pronounced "E-talian", I guess, I don't know. But, anyways, the reason why I think it is great is because in your families and our families -- hell, we got Irish, Polish, everything in our family, but it is still nice to know you kept your name and you're proud to be an Italian.

I thank you very much for this proclamation. I want to thank all the guys from the committee here who have

selected me to be a Parade Marshal this year. And, I am practicing how to wave, everybody, you know, but I've been in parades before. But, we are going to have a nice festival and I want to thank everybody on the committee, and especially the Council people which been always very good to us. Thank you very much.

The Chair:

Thank you, Joe, and congratulations.

Mr. Onorato:

Thank you, Joe. We are going to ask Mike Aquaviva to explain what is happening on this day, he is pretty much in

charge of all of the Press releases and the P.R. that goes on with the parade. Mike.

Mr. Aquaviva:

Thank you.

The Chair:

And, Governor Ridge called and wanted to make sure that it was all right to walk with Mr. Natoli that, and I assured him it was all right, so –

Mr. Aquaviva:

He'll have to walk behind Joe.

The Chair:

Right.

Mr. Aquaviva:

I will not be as brief as Joe, but I certainly won't be any better. Honorable President and distinguished Councilmembers – and I practiced that for three days – I would like to thank everyone and remind everyone that the Columbus Day day itself is a very special day to the Italian community, as it is for us an opportunity to honor our immigrant parents, the struggles, the stereotyping they went through and the successes they have achieved, and I think we look at someone like Joe Natoli, and we see from his parents Bartola and Margaret Natoli, who settled in Morningside, and the stories I hear about Joe is that, as all the Italian youngsters, when they went to school, they had a tendency to take what the mother prepared, and they were pepper sandwiches and onion sandwiches, and for the first couple of weeks, I understand, according to Joe Natoli, he was kind of ridiculed and thrown out of the school and the kids didn't want to talk to him, until they tasted the pepper sandwiches, and then Joe started bringing in two or three dozen at a time. So that is the way it is. I think with the ethnic community it takes awhile to understand what we are all about but we are all about each other and this is what the Columbus Day Parade is.

And, I would like to take just a moment to suggest that it is not just an honor of our own Italian immigrants and our own ethnic pride, but Joe Natoli, for example, represents – I don't want to say the little people, but the significant people that you don't hear about, and during this parade we would like to pay recognition to "Rip" Taylor, distinguished and honorable gentleman, I think this community is going to miss, has missed and will miss. These are the kind of people we honor, and the Italian community will soothe him in this Columbus Day Parade.

One quick thing. Governor Ridge will be here to lead off the parade with Mayor Murphy, Council President Ferlo, and most of the Councilmembers, that I understand. I hope you all do join us.

The authentic ship that Columbus built – not Columbus built, it was his favorite, the "Nina", the authentic replication of that ship is coming up the Ohio River on October the 4th, Wednesday, piloted by Captain Morgan Sanger, it will park at the Gateway Clipper's Fleet area there for about 15 days. You are welcome to see it. It will be part of a Columbus Day activity. It actually floats. That ship was constructed by John Sarsfield, his mother and he are from Pittsburgh. He was killed in an

accident before he completed the ship, but she will be in the parade, we will also honor here. Afterwards we are going to have the festival.

And, I did go over your time limit, Joe. But, thank you very much, and we do hope everyone will be at the parade. Thank you.

The Chair:

Thank you, Michael.

Mr. Onorato:

And, finally, we are going to turn it over to the Register of Wills, Jay Costa. Jay.

Mr. Jay Costa:

Thank you, Councilman. Mr. President, and fellow Members of Council, it is my pleasure again to be before you and to thank you in the City of Pittsburgh for all the great work that you have done in helping this Columbus Day Parade, the parade and festival. Year in and year out the City of Pittsburgh and its Administration has provided fabulous support, and I think Joe Natoli really hit the nail on the head when he said that the City of Pittsburgh and Allegheny County as a whole is made up of a group of individuals from a variety of backgrounds, ethnic backgrounds, and this weekend is our chance to showcase what it is that we offer to our region. I cannot think of a better person than Joe Natoli to show what it is we are about and the work that he has done over the years to help, not only the young kids through the Morningside Bulldogs and everything else that he has done in Morningside, but what he has done as a public official throughout the years as he has been involved.

I want to mention to you that the parade is scheduled for this Saturday, this Saturday, October 7th, and it is going to begin at 11 a.m. at the Civic Arena as it normally does. The course that we are going to follow this year, or the parade route, is going to be a little bit different, this year we are going to go over to Station Square to the Melody Tent, or the I. C. Light Amphitheatre Tent, I believe it is actually called, and the festival will be over there this year. We are going to go over the Smithfield Street Bridge, and to my knowledge, this is the first parade that is going to utilize the re-done, or refurbished Smithfield Street Bridge, and we are very excited about that because I think it presents a wonderful opportunity to get a chance to go across the rivers and over to the South Side and over to the Station Square area.

So, again, I want to thank Council for all the work that they have done, and Councilman Onorato for all the support that he has given, Ricciardi and O'Connor and everyone else, for the work that they have done with us over the years. And, I look forward to an exciting parade, there's a lot of great things. As Mike Aquaviva said, there's going to be a lot of exciting opportunities to see some things, the "Nina" and so forth. So, we hope you can all join us, and thank you again.

The Chair:

Thank you, Jay. Congratulations.

Mr. Onorato:

One more, Mr. President.

The Chair:

Councilman Onorato.

Mr. Onorato:

Mr. President. At this time would everyone in the audience associated with the Head of Ohio, please come forward. And, as they are walking forward, I will name the names of individuals, if someone joins us, we will add them as they come forward. Sally Hardon, Assistant Vice President of Pittsburgh Mercy Foundation, Dr. Larry Jones, the Director of Mercy Trauma and Burn Units, Dr. Dan Thompson. Chief of the Division of Critical Care, Mike Lambert, Three Rivers Rowing Association, Linda Ross, Pittsburgh Mercy Foundation News Media Coordinator. Alice, Alice Mitinger, friend of Dan Onorato, and supporter of Head of Ohio I guess Mr. Lambert isn't here.

I am going to go right into the proclamation and then we are going to hear from the members.

MR. ONORATO PRESENTS

No 2504 WHEREAS, the Pittsburgh Mercy Foundation, a part of the Pittsburgh Mercy Health System, and Three Rivers Rowing Association will host the Ninth Annual Head of the Ohio Rowing Regatta on the banks of the Allegheny River's North Shore on Saturday, October 7, 1995 at Roberto Clemente Park; and,

WHEREAS, proceeds from the event benefit programs and services of the Mercy Trauma Center and Burn Center, Western Pennsylvania's only Level 1 regional resource trauma center and an accredited burn center; and,

WHEREAS, Mercy Trauma Center and Burn Center is the first specialized burn center established in the tri-state and is the 15th burn center established in the United States; and,

WHEREAS, the Ninth Annual Head of the Ohio races begin at 8:15 a.m. at Washington's Landing. Rowers compete against the clock in the scenic 2.5 mile course, navigating their way beneath bridges and around the Allegheny river's bends. The finish line is located in a sea of festivities at Roberto Clemente Park; and,

WHEREAS, the Head of the Ohio features Olympic-level, corporate, collegiate and high school athletes; and,

WHEREAS, the crew with the most points accrued at the end of the race day is dubbed the "Head of the Ohio," hence the name of the event. Three Rivers Rowing Association has captured the title for the past years;

WHEREAS, the Ninth Annual Head of the Ohio is a great event for the entire family because admission is free. Entertainment is provided throughout the day by several bands. Additionally, the Carnegie Science Center and The Andy Warhol Museum will have free admission as a part of their Centennial celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends all those who have participated to organize the Ninth Annual Head of the Ohio and wishes the group much success on October 7, 1995.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

Before I turn this over, let me just comment. I think the Head of the Ohio is the classic example of what we can do on our rivers. We always hear about this potential resource that is sitting there and all this land and the activities we can be doing up and down the rivers. Well, this is the 9th year for this particular race, if anyone here has not been over to the Rowing Center on Washington's Landing, please get over there, the island has become a center point for a lot of activities, and I think the first true example of what could happen up and down all of the rivers in the City of Pittsburgh.

So, I want to congratulate the Rowing Association, the Head of the Ohio Board for taking advantage of these resources, while a lot of people have been talking about it, you have been doing it for nine years.

Are we going to start here. Please come forward, Doctor, and if you want to identify yourself again and explain what is going on. Thank you.

Dr. Jones:

Thank you, Councilman. I am Dr. Larry Jones, the Director of the Trauma Center and Burn Center at Mercy Hospital. For over 30 years Mercy Hospital has been offering care to the victims of thermal electrical and chemical burns and smoke inhalation. Much of that care is made possible by equipment that we have purchased through proceeds from the Head of the Ohio Regatta. That event is now celebrating its 9th anniversary and in that short period of time has become a truly international event, featuring rowing teams from schools, colleges and universities across the United States, as well as both the American and Canadian national crews.

We are very thankful for Council's proclamation today that highlights the Head of the Ohio Regatta and the noble cause that it serves.

Sally, you have something from the foundation.

Ms. Hardon:

Every year we have a commemorative poster and a commemorative T-shirt, and the T-shirt this year, which I don't have with me, was designed by an Art Institute student who won a contest, and it shows everything that is famous about Pittsburgh. So, you have to come down there to see one of those. But, we brought along the poster that was, fortunately, a young woman named Lauren Uram, an artist from New York, let us use her drawing of a Women's Eight, and if it looks familiar, she did one of the drawings of Cal Ripkin in the recent Sports Illustrated article. So, this is really a collector's item. But, we hope you will all come down there.

We want to thank the Mayor's Office and the City and the County for the support that they have given us and help to

make this a more international event. We do have the Canadians and the Americans as a nucleus for an international race and next year hope to have the German crew there. We are very excited. This is a pre-Olympic year and the people you will be seeing on the river are those you will be seeing rowing in Atlanta next year. It is a terrific day, come down, bring your family. Freddy the Fire Truck and a pumper will be there, because we are involved in the Fire Prevention Program also.

But, we look forward to seeing you all. And, we have Dr. Dan Thompson here, who is the founder of the event, and we have Alice Mitinger, beyond being friend of Dan Onorato, which is most important, we also have Alice as Chairman of the International Hospitality Committee, and so she gets to meet and greet all of those wonderful Canadians and Americans as they arrive in Pittsburgh.

But, again, thank you all. And, we brought posters for all the Councilmembers, and we hope we will see you down there, come on down before the parade. Thanks.

Mr. Onorato:

Thank you.

The Chair:

Congratulations.

Mr. Thompson:

Good morning. I am Dan Thompson. I am the Director of the Trauma Life Support Center, but my original involvement was to have the brainchild for this, and exactly what was said about using the rivers was one of our motivations, and I kept telling Doug Smith, we're wasting the water in Pittsburgh, we have all this wonderful water and we're not using it. And, with a little prodding of him and some others, we got the Regatta together. We now have Regatta -- that the first year I was the one that had to worry if anybody was going to show up when we had 86 shells and last year we had over 300 shells. It is now about the third or fourth largest Regatta in the fall in the United States. So, it has grown a lot, and thanks to everybody's help, that's not only here but the other members, Three Rivers and the Mercy Hospital Foundation, and I thank you for your honor today.

The Chair:

Thank you.

Mr. Cohen:

Beautiful poster.

The Chair:

Thank you and good luck this weekend.

I would like our friends from the American Cancer Society to please come forward at this time.

Members of Council, I would like to move the following resolution:

THE CHAIR PRESENTS

No. 2505 WHEREAS, the Allegheny County Health Department estimates that in 1995, approximately 1,200 women in Allegheny County are expected to be diagnosed with Breast Cancer and approximately 350 women in the county are estimated to die from the disease; and,

WHEREAS, early detection of Breast Cancer could spare as many as one-third of those lives; and,

WHEREAS, research shows that only 60% of women in the Pittsburgh area

are getting screening mammograms in accordance with the nationally accepted guidelines; and,

WHEREAS, the American Cancer Society will work with local healthcare facilities to promote the importance of early detection of breast cancer and will encourage women over forty to have yearly mammograms; and,

WHEREAS, the American Cancer Society will provide information on low cost and free mammograms for the uninsured and underinsured women in our area available through the American Cancer Society's Mammogram Voucher Program.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare the month of October, "Breast Cancer Awareness Month" in the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Thursday, October 19, 1995, "Mammography Day" and encourages all women in the City of Pittsburgh to become aware that they are at risk and to take the necessary steps to ensure a healthy life.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the proclamation is self-explanatory, and I think we need to draw close attention, since the public is listening, to the Thursday, October 19th opportunity. I think we should all applaud the good work, or the advocacy work, the pro-active work of the American Cancer Society. And, I think, as the proclamation suggests, clearly women with less than adequate resources, low income women, and African-American women, and women of color, disproportionately are burdened with the disaster affected with Breast Cancer as a result of not having early detection and prevention, and I want to applaud the American Cancer Society for their work and for their targeted effort in this respect also.

We have a number of guests here this morning, Linda Duncan, Sue Harkins, and Yvonne Durham, all of whom are with the American Cancer Society, and I would like some of the representatives to come up and amplify on the concern here today. Please.

Ms. Duncan:

Thank you very much. I would like to thank you for making national "Mammography Day" for October 19th, and October is National Breast Cancer Awareness Month here in Pittsburgh. The American Cancer Society uses this month to stress the importance of early detection and to increase the awareness among women, all women in this City and in our County. We are very, very fortunate in the City of Pittsburgh in the City of Pittsburgh to have the Mammography Voucher

Program for the American Cancer Society. Through this program women may receive free Mammograms, we're talking uninsured, under-insured, or women who just simply cannot afford to have a Mammogram or other screening care. They can receive that here at the local hospitals and imaging centers. And, we have found that with early detection, combined with effective treatment that women now do not need to be losing their breast nor their lives to this disease.

So, we ask you, if you are a women to think about it and make your appointment. If you know a woman, someone very special, a mother, a wife, a daughter, a daughter-in-law, a granddaughter, encourage them to take that important step and follow the guidelines for early detection.

Again, thank you very much for this honor.

The Chair:

That concludes our Read and Adopted. At this time I would like to move to Presentation of Papers.

I want to remind our colleagues, we have a televised post agenda meeting following this session.

MR. CUSICK PRESENTED

No. 2506 Resolution authorizing and directing the Director of the Human Relations Commission to study, develop and implement an ongoing program to provide police sensitivity and cultural diversity training to all City of Pittsburgh Police Officers.—**(SPONSORED BY MR. CUSICK; CO-SPONSORED BY MR. UDIN)**

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

Also,

No. 2507 Resolution adopting Official Sewage Facilities Plan revision for Washington's Landing Housing located on Washington's Landing (Herr's Island) in the 26th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Engineering and Construction.

MR. HERTZBERG PRESENTED

No. 2508 Resolution transferring the amount of $20,000.00 from Code Account 1801, Miscellaneous Services, to Code Account 1800-01, Premium Pay, all in the Department of Parks and Recreation.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MS. McDONALD PRESENTED

No. 2509 Resolution providing for an agreement or agreements with the Urban League for the provision of Housing Counseling Services at a cost not to exceed $100,000.00, payable from the 1993 CDBG Program, Department of City Planning, Project No. 4-35-05-0076-93-516-93-35.

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MS. McDONALD moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2510 Resolution amending Resolution No. 641, effective August 14, 1995, entitled, "Resolution providing for the use of new and/or existing agreement(s) and/or contract(s) for Energy Management Services," by changing the wording of Section One.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2511 Resolution providing for the transfer from Code Account 1034, Salaries and Wages, Commission on Human Relations, and Code Account 1545, Street Lighting, Department of Public Works, to Code Account 57-1, Retirement Severance Pay - Sick Leave, the aggregate amount of $135,944.00

Also,

No. 2512 Resolution providing for the transfer from Code Account 1066, Equipment, to Code Account 1063-1, Education and Training, Department of Finance, the amount of $10,000.00.

Also,

No. 2513 Resolution providing for the interfund transfer from the General Fund to the Capital Project Fund, on an interim basis, sufficient monies to continue the City's Capital Improvement Program. The amount is not to exceed Five Million Dollars.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2514 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax and Exemptions, Section 263.02, Definitions, Subsection

(e), Eligible Taxpayer, by changing the eligibility requirements for Real Property Tax and Exemptions.—**(SPONSORED BY MR. RICCIARDI)**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2515 Resolution granting unto Dawn Hluhan, 916 Loyal Way, Pittsburgh, Pennsylvania, 15210, Margaret Nogal, 913 Freeland Street, Pittsburgh, Pennsylvania, 15210, and Shaker H. and Donna R. Obaid, 917 Freeland Street, Pittsburgh, Pennsylvania, 15210, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on a portion of the right-of-way on Unnamed Way located between Loyal Way and Freeland Street in the 18th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 2516 Resolution granting unto 1100 Smallman Street Company, 5830 Ellsworth Avenue, Suite 300, Pittsburgh, Pennsylvania, 15232-1779, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, an entrance with landing and steps on a portion of the right-of-way on Smallman Street in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 2517 Resolution vacating a portion of Hampton Street between Winterton Street and Pontefract Way in the 11th Ward, 7th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2518 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by revising the definition of "Substantial Improvement" under the Flood Plain District Regulations, by correcting a section reference under the variance procedure in a Flood Plain District, and by adopting the Federal Emergency Management Agency updated flood plain maps. **(ALL COUNCIL DISTRICTS)**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

The Chair:

That concludes our Presentation. Are there any matters under Unfinished Business/Reports of Special Committees?

UNFINISHED BUSINESS

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, there is a public hearing scheduled October the 30th at 10 o'clock regarding Resident Management Councils and the Housing Authority developing economic opportunities for residents of public housing, and the individuals and organizations that requested that public hearing have also requested that it be telecasted. And so, I am making a motion that that public hearing be telecasted.

MR. ONORATO seconded the motion.

The Chair:

Moved and seconded. We have communicated to the Cable Bureau. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. Other matters? If not, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance and the Budget. Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Councilman.

MR. ONORATO PRESENTED

Bill No. 2519

Report of the Committee on Finance and Budget for September 27, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2404

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article IX, Boards, Commissions and Authorities, Chapter 176, Comprehensive Municipal Pension Trust Fund, and Section 176.06, Powers and Duties, by requiring that an annual report be distributed to active members of the City's three (3) pension plans.—**(AS AMENDED)—(SPONSORED BY MR. FERLO)**"

Which was read.

Also,

Bill No. 2481

A Resolution entitled, "Resolution providing for the transfer of $50,000.00 to the "Regional Asset District Park Maintenance Trust Fund," which represents front funding for the rehabilitation of various regional parks."

Which was read.

Also,

Bill No. 2485

A Resolution entitled, "Resolution providing for the transfer of $200 from Code Account 1034, Salaries and Wages,

to Code Account 1034-1, Premium Pay, Commission on Human Relations."

Also,

Which was read.

Bill No. 2486

A Resolution entitled, "Resolution amending Resolution 239, effective April 12, 1995, entitled, 'Carrying over balances or portions thereof remaining in certain Code Accounts for the year 1994 to the same or to other Code Accounts for the year 1995.'"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Again, on the initial bill regarding the pension resolution, it was significantly altered, now it includes the final year end report. I want to thank my colleagues for their support. I still am adamant about broadening out the composition of the Comprehensive Pension Board but I think the criticisms and the points raised by my colleagues about what that composition should be, were excellent. I am going to take those under advisement. I will come back with an amended version. But, I do want to thank you for your support on the requirement that the Pension Fund would have to issue an annual accountability report to the employees and the pensioneers. Thank you.

Other comments? Mr. Onorato.

Mr. Onorato:

I would like my comments brought forward on Bill 2481, and the companion bills that we read during the Committee Sessions relating to all Regional Asset District Trust Fund for regional parks.

(REMARKS-SEE ADDENDUM)

The Chair:

Thank you, Councilman. Other comments? Mr. O'Connor, do you have a reconsideration.

Mr. O'Connor:

I would like my comments brought forward on 2404, please.

(REMARKS-SEE ADDENDUM)

The Chair:

Very good. Thank you.

Other comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2520

Report of the Committee on Public Works, Water and Environmental Services September 27, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2466

A Resolution entitled, "Resolution amending Resolution No. 457, effective June 27, 1995, entitled, 'Providing for a contract or contracts, or use of existing contracts, for the purchase of a 100 ton truck scale to be furnished and installed at Heth's Run Dump Facility,' by increasing the total allocation by $5,000.00 from $30,000.00 to $35,000.00."

Which was read.

Also,

Bill No. 2467

A Resolution entitled, "Resolution granting unto Paparazzi Ristorante, 2100 East Carson Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on S. 21st and East Carson Streets in the 16th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2468

A Resolution entitled, "Resolution granting unto the Duquesne Club, 325 Sixth Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, an exhaust systems and platform to encroach on a portion of the right-of-way on Coffey Way in the 2nd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2492

A Resolution entitled, "Resolution granting unto Warehouse Development Company, 5830 Ellsworth Avenue, Pittsburgh, Pennsylvania, 15232-1779, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence with locked gates, both ends, in portion of the right-of-way on Berlin Way between Fifty-Fourth Street and McCandless Street

in the 10th Ward, 7th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

I do want to point out, on Bill 2492, this is a compromised measure that I undertook at the request of the Mayor. I am not pleased with giving up the public right-of-way on Berlin Way. This was an attempt to accommodate the trucking company. I do want to point out parenthetically, that I think there are just as many aggrieved adjoining property owners and residents as there are in the Kossman Development proposal. I raise that only because I believe that in both instances there was a need for individuals from the Mayor's Office and from this Council to get involved and try to bring about an accommodation, so that both individuals have the ability to properly use and develop their property and basically try to get along with each other.

I would ask that the Administration, since I kept my part of the bargain and resolved the Berlin Way, I would hope that they would meet with Councilman Hertzberg and the residents and see if there is an appropriate accommodation to resolve the conflict that exists on the Kossman Development. They are basically parallel situations.

Any other comment? Councilman Hertzberg.

Mr. Hertzberg:

Since that is a reference to something in my district. I do not know whether that is a fair comparison or not, but I will certainly check into it.

The Chair:

As you know, I voted with you in opposition to development, but I also believed and I spoke at the time that I thought there should be some way for the Mayor's Office to show some leadership and get involved and address what I thought were legitimate concerns of the residents on the street down below the proposed development.

Councilman Onorato, did you have a point?

Mr. Onorato:

No. No comment.

The Chair:

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2521

Report of the Committee on Planning, Zoning and Land Use for September 27, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation, Bill No. 2469

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V. Chapter 993, to Duquesne University for authorization to construct a two-and-three-story, 600-space addition to the Locust Street Parking Garage and a 15,000 square foot extension to the Student Union Building for use as a bookstore, both on the campus of Duquesne University, located at 1000 Forbes Avenue, on property zoned "I-C" Institutional-Civic District, 1st Ward. (COUNCIL DISTRICT NO. 6)"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2522

Report of the Committee on Public Safety Services for September 27, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2455

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 773, Sunday Activities, by repealing Chapter 773.---**(SPONSORED BY COUNCILMAN ALAN HERTZBERG)**"

Which was read.

Also,

Bill No. 2456

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 777, Amusement Devices, by making various changes, deletions and additions.—**(SPONSORED BY COUNCILMAN ALAN HERTZBERG AND COUNCILMAN ONORATO)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, these two bills are just the final pieces in the puzzle and the reworking, reorganization and revisions in the Amusement Licensing Fee Provisions, and these parts are really just -- the one bill, the first bill repeals the separate revisions for Sundays, also known as Blue Laws. The second provision just moves from one particular chapter to a more appropriate chapter, provisions on things like pool halls and amusement arcades.

The Chair:

Thank you, and thank you for your hard work in straightening out the Municipal Code.

Other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. CUSICK PRESENTED

Bill No. 2523

Report of the Committee on Engineering and Construction for September 27, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2482

A Resolution entitled, "Resolution providing for a contract or contracts, or use of existing contracts for the rehabilitation of the Anderson Playground and providing for the purchase of equipment and materials for said project; cost not to exceed $375,000.00."

Which was read.

Also,

Bill No. 2483

A Resolution entitled, "A Resolution providing for the creation of a special trust fund to be known as the "Regional Asset District Parks Maintenance Trust Fund" for the deposit of funds and reimbursements to be used for the rehabilitation and maintenance of various regional parks."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. On Bill 2482, allocating up to $375,000.00 for the Anderson Playground, colleagues, I just want to thank you. I have received a number of calls. Councilman O'Connor and I have worked very closely with Friends of the Anderson Playground in our area, it is definitely benefit the entire area, and you have had an opportunity to visit that playground you would see in the poor shape it is in. So, the Friends of the Anderson Playground have called me, they thank you. And, Mr. O'Connor, I know you and I have worked very hard on this but it is really the residents have really initiated it. So, we look forward to the improvements and hopefully we can begin construction before the winter months. Thank you.

The Chair:

Thank you very much, Councilman. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I just wanted to also remind the Administration that we did have a discussion about the Keystone Program, the referendum that passed in the State of Pennsylvania, I believe it was last election or the election before, which provides millions of dollars for the rehabilitation of our parks. We only applied for $50,000. I do not understand why we only applied for $50,000. So, we asked for a report from the Parks and Recreation Department saying how much is available statewide, how much other cities have gotten, especially Philadelphia, and how we can apply and receive more money to be able to rehabilitate our parks, particularly our regional parks.

The Chair:

Thank you very much. We did ask for that memo, hopefully it will be forthcoming. Councilman Onorato.

Mr. Onorato:

On Bill 2482, once again, my comments brought forward.

(REMARKS-SEE ADDENDUM)

Mr. Onorato:

And, let me just remind everyone in that area, that it was a unanimous vote, I am all for it. My criticism was not of that playground, it was the way we allocate

money. I hope Anderson gets their playground as soon as possible. And, I look forward to the Administration's response to our criticism of the '96 allocation of RAD money and hopefully it would include all the regional parks. Thank you.

The Chair:

Thank you, Councilman. Councilwoman McDonald.

Ms. McDonald:

Yes, I would like to register my "aye" votes on the previous final bills read

The Chair:

Very good. Councilman O'Connor.

Mr. O'Connor:

Just a follow-up on Mr. Ricciardi's remarks I think the Anderson Playground will be a fantastic addition, not only to the Oakland area there but adjoining neighborhoods and I think it will benefit the whole East End region. I hope it is half as successful as Highland Park and half as used, because it is deteriorated, but it is a beautiful facility and background, that people can walk and drive. So, I want to thank the Mayor's Office and all those residents involved in this project.

The Chair:

Thank you very much, Councilman.

Again, I would like my comments brought forward on 2483, regarding the RAD District

(REMARKS-SEE ADDENDUM)

The Chair:

And, our request from the Administration, and I recognize their commitment, that this Council will be involved prior to formal application or the dedication or commitment of dollars for the four regional parks, regarding the roughly half a million dollars per year, one percent, relative to capital improvements, they have to involve this Council and the community on the decision-making process. And, also I thought we asked for some prioritization of what the capital needs are of the four regional parks, so that we can plan out collectively as a legislative body what the priority improvements should be.

Other discussion or comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

We do have a post agenda immediately following this session regarding the annual Community Development Block Grant process, particular concerned about the Hungry Trust Fund, the Home Security, and actually the organizational status of the Pittsburgh Community Services Agency and related concerns. And, I see Director Hirsh is somewhere, and also we ask for Deputy Mayor Cox to be here.

At this time we have a number of other concerns, calling on Councilman O'Connor.

Mr. O'Connor:

Briefly, I want to make a motion to televise this afternoon's public hearing on the Charter Advisory Board. It is all set up but we somewhere did not make the motion. It will be televised at 2 o'clock. I do not know what the ratings will be against the O. J. trial, but maybe tonight, well, somebody will watch it.

And, also I would like to send a letter -- ask the Clerk on behalf of Council to send a letter to thank the Charter Advisory Commission for all their hard work. You will see and hear more about it this afternoon, but I would like to follow-up with a letter from all of us thanking them.

Mr. Ricciardi:

Second on both motions.

The Chair:

All in favor?
WHICH MOTIONS PREVAILED.

The Chair:

Other discussion under Motions and Resolutions?

Mr. Cusick:

Mr. President, and Members of Council, today Councilman Udin and myself presented a resolution to Council directing the Human Relations Commission to develop a plan for police sensitivity and cultural diversity training. During the six public hearings that this Council went out into the communities, I think we heard a recurring thing, and that was the distress in our police officers, especially in the African-American communities. I think, as I feel, and I would think that the rest of my colleagues would feel that it is essential that all the communities in the City of Pittsburgh feel good and have a trust of our police officers. It is a difficult job, it even makes it more difficult when they do not have the support of the public. I think this is going to be a very important bill, when we talk

about several different issues, including curfew, it is one that Mr. Udin brought up to me the other day in my current legislation, in stating, "Where does it say that anyone is going to implement the plans that you have asked to be done, Mr. Cusick?" And, I would agree with him.

I hope that the Mayor and the Human Relations Commission can and will implement a plan by January 1st as asked.

And, I would just like to turn it over to my colleague, Mr. Udin, if he has any comments.

The Chair:

Councilman, do you have any comments at this time?

Mr. Udin:

Yes. I just think that any legislation that comes forward that can improve the relationship between the City's Police Department and the community is welcomed. As long as we all continue to work forward in effective measures that actually reduce the victimization of our communities by crime and criminals, I am in full support. And, I thank my colleague for stepping forward with such legislation and look forward to his support of continued legislation to effectively reduce crime in the City. Thank you.

The Chair:

Thank you, Councilman. Other discussion or comments, on other matters? Councilwoman McDonald.

Ms. McDonald:

No, this is on the same matter.

The Chair:

Same matter.

Ms. McDonald:

I wanted to amend Councilman Cusick for spearheading this whole notion of police sensitivity. I had spoken with Councilman Cusick privately yesterday about this and I had indicated that I had been investigating the type of programs that are availed to our officers, not only just -- and I hate to keep calling it, cultural sensitivity and awareness, basically they just have to know how to deal with a lot of black folks, white folks and urban folks that exist in the City of Pittsburgh, and we are not a very diverse community, to be honest.

So, I have a -- I will probably be sponsoring amendments and working with Councilman Cusick and Councilman Udin on -- again, many issues that have been brought up and that need to be a part of this overall package. Councilman Cusick had let me know yesterday that this is preliminary, it is basically to get it out on the table, because my concern was it is not comprehensive, and I want to sponsor a very, very comprehensive bill, because I think this is a big crux of our problem in the police force and especially with such a young group of officers out on the streets, many of which have not dealt with the kind of kids or the kind of people that are out there.

So, I would like to support this, again, it is not out for a vote today, it is

just being introduced, but to let the Council know that I will be coming forward with a full-blown package in terms of cultural sensitivity and awareness, including specific programs that I know do work, specifically recommendations that I know need to be made. But, I think it is very astute on Councilman Cusick and Councilman Udin's part, that the Pittsburgh Human Relations Commission is already in place and can be a very objective overseer of the type of programming that is needed.

So, again, I support this initiative and I look forward to a broader range which I will be bringing forward.

The Chair:

Just to be clear on it. There are a variety of external agencies that also participate currently in the police training academy procedures, including Pittsburgh Mediation Center, as well as some that are under discussion today. Having said that, I hope that the Administration and the leadership of the F.O.P. takes the spirit of the resolution as it is intended and that is to try to improve and expand on the opportunities for additional training that possibly are needed. I think we need a fuller discussion on what actually is the course, curriculum currently regarding police training, I think anything that we can do, Mr. Cusick, Mr. Udin's resolution, as well as Councilwoman McDonald expanding on it, can only help and expand the opportunities and the skills and the expertise of our uniformed personnel.

Again, though, I hope we do not get our backs up on the wall and we argue later about whether or not Council legally has the right to tell the Police Department what the type of training is going to be or whether or not we have the legal power to instruct the Commission to do anything, rather I hope the Administration sees this as an opportunity to pull the different forces together and come out cooperatively with a more improved training curriculum.

Councilman Onorato.

Mr. Onorato:

Yes. I just want to take this opportunity to commend Councilman Cusick, just on the way he has handled the issue of the curfew over the last six, seven months, however long it has been, and this issue was in front of us once before he was even here. I think what you see is the long process that he put into place with the six public hearings, with the public input, with the debate, produces a lot of good results. And, it appears, according to this Press release, too, that because of the hearings from the Curfew Legislation that here is another piece of legislation coming forward as a result of our discussions and hearing from the people in the neighborhood. And, I just want to just commend him for the small point of the curfew and the time that he put into it, because it was very easy for Councilman Cusick to be accused of doing something real quick, off-the-cuff, to get a P.R. hit, and I think people out there should realize that this thing has been going on for at least six months now, and I do not think in my four years on Council I have seen any bill debated as long as this bill has and having input and seeing legislation changed over and over again because of that input, irregardless of what the result is

on the piece of legislation. I believe that there has been enough input and there will be even more before our final vote. So, I look forward to the discussion. And, I think every once in a while that should be pointed out, this was not something that was introduced seven days ago and that anyone is trying to ram through. This has been a long, hard process which nine of us have to deal with probably within the next ten days and I just want to commend him for sticking with this throughout the last year because it has been tough and I wanted to thank him for the ability for him to be flexible and make some changes that are necessary and not let pride get in the way of being unwilling to change a piece of legislation that he introduced. I think the changes that were made due to the recommendation just strengthens the bill and makes it work even better.

So, Councilman, I will look forward next week to the further discussion and possibly some more amendments, but hopefully moving the bill forward. Thank you.

The Chair:

Thank you, Councilman. I do have to say I was a little bit confused and perplexed by the Mayor's comments following last week's discussion, very preliminary, very initial discussion on the curfew. I think Mr. Cusick himself admitted and basically indicated and did not even support his initial proposal post the New Orleans experience that indeed he felt it needed to be expanded, that the issue legally of whether or not we can detain on summary offenses had to be addressed by the State Legislature and this Administration before he would even proceed with the curfew, and more importantly the whole issue of whether or not we are going to have a proactive human service delivery model, as far as the Teen Curfew Center, if that was not going to be in place, I believe Mr. Cusick from the beginning after the experiences that he talked about after the public hearings, that he himself would not have supported the initial Curfew Bill. I was a little bit taken back, no one has been more out in the neighborhoods saying that he is for a curfew than the Mayor himself. I have been at repeated neighborhood town meetings where he himself raised the issue, he himself stipulated clearly that he is for the curfew, he took polls randomly in the audience, overwhelmingly a majority of the residents, primarily some of the elderly voted, at least by their hands, that they were in favor. So, I thought it was a little bit kind of an end run around Mr. Cusick's intentions with the Mayor's comments a week ago.

I think we need to get back on track and see whether or not curfew, relative to the Teen Curfew Center, whether or not the human service delivery model is going to be put into place, whether or not the summary – detaining based on the summary offense is going to be something that we legally have the ability to do. Missing those pieces of the puzzle I think Mr. Cusick himself is not intending to proceed with the curfew initiative. I think the Administration needs to get back on track and figure out who's on first base and what they are actually doing over there and decide if they want to work with this Council and a majority of the residents.

I was a little bit distressed at I thought a cheap shot by the Mayor last week regarding Mr. Cusick's –

pronouncement granted – it was at the end of the meeting, we didn't really have time, other than Councilman Udin's eloquent statements, informative statements, we didn't have time to really discuss it, and it kind of got off and became bigger than life, but I was a little bit disappointed at the Administration's cheap shot at Mr. Cusick last week. I think he is trying to move ahead with the discussion, I think many individuals, and including Mr. Cusick, are not in favor of enacting a Curfew Bill unless it has the components of detaining based on summary offense and unless it has the community involvement, the oversight, the police sensitivity and the proactive human service Teen Curfew Center.

Having said that, I hope we can move ahead and have a rational debate on the merits of the bill next week -- or this week.

Other discussion? Mr. Cohen and then we will let Mr. Cusick close out. Mr. Cohen.

Mr. Cohen:

Just briefly, Mr. President, on process, and that is, my understanding is that we will have a post agenda – I think we are scheduling it with Councilman Cusick and also the City Clerk to have a post agenda to hear from the NAACP on their Strategy '95. The Administration certainly should be invited. I think that is an opportunity to hear from them, as well, before we move into the actual amendments and voting stage of this bill. And, I also commend Councilman Cusick for moving forward in a manner that tries to listen to everybody in the community.

The Chair:

As you can see from the audience, we have a lot of organizational leaders and residents who are here today concerned about the status of the Block Grant and the Pittsburgh Community Services Agency in particular, so I want to move in a few short minutes to that.

Mr. Cusick, you have the last word on the curfew issue.

Mr. Cusick:

I would just like to thank Councilman Udin, Councilwoman McDonald for their hard work. Over the last six months, yes, my staff, myself and the Mayor's staff had worked hard to try to come up with the current bill that we have before us today. I do thank you for your words of support, Mr. President, but I think the Mayor even slapped his own people in the face by saying it had no substance, because his own people were involved in that very bill.

I just would like to continue to say that the work that we have ahead of us is – I don't think no one really knows how hard we are going to have to fight to have some of the things that need to be done in this City. Curfew is just a very small piece of the puzzle. I think Mr. Udin put it correctly, when you said, we need a master plan, and that master plan has to come from many different organizations, including this body, from the Administration, from the different communities across the City. I look forward to it. I think for the first time in at least the last two years we were moving ahead with some of the promises that were made to this City, that being when the

Mayor was running. We need more than just picket fences, we need to build some dialogue with our communities. I do not think that has happened in a long time. I think we are starting to see that. Today I will be meeting with the NAACP. I look forward to hearing and talking and creating a better dialogue with them in regards to Strategy '95. We will hold a post agenda. I will ask the Administration to participate in that. And, I am just very happy that everyone, all of my colleagues are so involved in such a very important issue.

The Chair:

Thank you. Other comments to be brought before the body? If not, then we would like to move in the next five minutes to the post agenda. And, we do have a formal public hearing at 2 o'clock today regarding Home Rule Charter, the changes that are proposed.

At this time I entertain a motion to adjourn.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MR. O'CONNOR'S COMMENTS, ON BILL NO. 2404, WEDNESDAY, SEPTEMBER 27, 1995)

Mr. O'Connor:

I have one. I guess a comment. Concerning the board and I realize the two union representatives are on there and with all do respect you're talking about electing more people from whatever union or organization. When I'm looking at this authority you're talking about $100 million worth of investments; is that correct?

Mr. Hennigan:

Yes.

Mr. O'Connor:

Now I don't know the first thing about it with all due respect, about how to invest $100 million myself and I don't know what the average person knows anything about that type of high financing. And I question all this board that if it is to be expanded why it doesn't it include bankers, investment people that different organizations may choose as free advisors. I'm not talking about paid advisors. I'm on two hospital boards and I have been in meetings where I'm totally lost when you are talking about $100 million investments so I'll admit that but on the board with me are people who are experts at that who do it every day and when we bring an advisor in they question the heck out of that advisor and if we're going to do anything with the board I don't know why we don't professionalize that with all due respect to the people that are there I don't know that any of them have the expertise to deal in high financing like $100 million investments. So I can't support this but I will be looking at all the boards to see how they are represented and how these investments are done and again I emphasize that I'm not talking about consultants, I'm talking about volunteers. We have four or five of the biggest banks in the country here that again would have investment companies, people that would be very willing to serve on those boards whether it be retirees who are no longer having any personal interest in the investments so I don't know why these boards aren't professionalized a lot more to help the board members.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MESSRS. FERLO AND ONORATO'S COMMENTS ON BILLS NO. 2481, 2482 AND 2483, WEDNESDAY, SEPTEMBER 27, 1995)

Mr. Ferlo:

Discussion with the Mayor's Office if they're here.

The Chair:

We have Director Reginella and Director Gallo and we also have a Deputy Mayor if someone would like to ask him a question.

Mr. Ferlo:

We've already had some information and I think all of us are uniformly in support of moving ahead with the renovation, repairs, upgrading of Anderson Playground. I think that was the super playground issue that Mr. O'Connor talked about earlier so I really don't have any questions about that. My question is about the trust fund itself. I guess I'm a little bit concerned that and I want to understand the process here. We have four parks now that are a part of a reimbursement from the Regional Assets District. They are the four regional parks: Riverview, Highland, Schenley and Frick and what I'm concerned about is that Council is a little bit out of the picture here as far as the application process to the RAD. I'm all in favor of voting to build a super playground in Schenley and we built one in Highland Park which didn't involve public dollars but it involved corporate and private community dollars. The resources were not there for the other proposal and that's great but at the same time and I know Mr. Onorato —no one has been more vociferous about Riverview Park than Mr. Onorato and likewise I have concerns about further decays and deterioration in the Highland Park community and to me the parks that we have are really not in Councilmatic districts. All of us kind of uniformly look citywide at the health and well being of all of our parks and not just the four regional parks but the tot lot in Homewood or the condition of Sheridan Park that the volunteers came and talked about yesterday. So I think in the seven years that I've been here I've never found Council to be parochial about the allocation of dollars. I find it to be parochial about whether or not at some point our turn comes up for renovation and repairs that are needed in our parks system. So my question is just going back to the process and I know there's a vote here today on the creation of the trust fund. The trust fund language in Sections 1, 2 and 3 doesn't specifically delineate that no expenditures will come out of the trust fund until there's a council action and review. There may be council action and review on a practical matter because going to E & C they have to come back for resolutions but I want that

clearly understood. My question specifically to get to the point is just the RAD application process. This Council should have some input in what it is the municipalities are asking for from the RAD for improvements to the four regional parks vis a vis the new RAD funding stream and so far we are not. Like for instance this latest round I'm not aware of what we specifically asked for relative to the four parks. Maybe Mr. Onorato is aware for Riverview, I don't know. Maybe Mr. Cohen or Mr. O'Connor is aware for Schenley or Frick, I don't know. But this should be a little more of a collaborative effort with Council on the RAD application process because we also in addition to the Mayor I know he is out there every day in the neighborhoods, he hears the same concerns about the conditions of the four parks whether it be walls falling down on bridges that need to be rebuilt, so I don't think we're going to be far apart but I think we need to know prior to the Parks Department submitting the RAD application of what we are applying for and so far I don't think we know, at least I don't know. What is the process?

Mr. Sirabella:

The process is that there's one percent in the legislation that will go — in the state legislation — that will go to the City of Pittsburgh and the county for capital needs. That one percent equals $530,000.00 and the fact that anticipation of raising $1.6 million in 1995. It is specifically for a capital project and it has been defined as a regional asset park and we define that as the four regional. So what we do is we apply for the one percent comes to us automatically. If they raise $106 million, it is $500,000.00, if they raise $100 million it's $500,000.00 so we lump sum get that automatically then we petition the RAD of how we are going to spend it. So for the 1996 allocation the one percent, at this point that is automatic. We have not yet told the RAD Board what regional parks we are going to work in and that has to be a matter of discussion.

Mr. Ferlo:

You mentioned the capital. I thought we were also getting money to supplant the City's operating costs for personnel that clean up the four parks; that is separate?

Mr. Sirabella:

Absolutely.

Mr. Ferlo:

What's that pot of money?

Ms. Gallo:

Last year that was $5.3 million and they told us last year that by law that that's what we could and would get.

Mr. Ferlo:

We get $5.3 million back to the city coffers in the operating portion of the budget for work that we say — we get $5.3 million.

Ms. Gallo:

We could use a lot more than that.

Mr. Ferlo:

We don't spend $5.3 million in support services to the four regional parks per the agreement. It is going to go back to the same argument that we use relative to segregating out the Water and Sewer Authority's expenditures and making those true and correct. I'll leave that issue aside because I don't want to jeopardize that money although I think in the future and it's going to be part of the budget debate this fall. If indeed that's what we're getting for those four parks then I think we better be able to justify more clearly those expenditure dollars, I don't think they're there.

Secondly, you're saying the one percent is the $530,000.00 roughly for 1995 and at this point I think you already have your proposal as to what it is going to be for the 1996 proposal and I don't know that we know what it is.

Mr. Sirabella:

For instance — again, it is a one percent of half of the money that is collected annually. So we anticipated again that in 1995 that the one percent sales tax would collect $106 million. Half of that is $53 million and one percent of that is $530,000.00 that can be spent solely on capital which is defined as the four regional parks. So for 1995 the Administration applied those three projects of Schenley Park, Frick Park and Schenley Park roller blade surface, the Frick Park Forbes-Braddock Playground rehabilitation and the Schenley Park Anderson Playground rehabilitation, we applied that for the projects in 1995. The 1996 projects is what we're talking about now which is something we can make a decision on.

Mr. Ferlo:

I'm all in favor of the three 95 projects absolutely 100 percent.

Mr. Sirabella:

The 96 projects at this point we have not made a decision of how we will spend that one percent. That will be discussed with you all and taken into consideration that we have spent monies in Schenley this year. We have other regional parks to deal with but of course when we discuss and we do concensus building of where this money should be spent this will be reviewed with you all.

Mr. Ferlo:

So far we haven't been a part of the equasion and I believe you have already made application and communication to the RAD.

Ms. Gallo:

Not for the capital.

Mr. Sirabella:

The capital is an automatic one percent

Mr. Ferlo:

So the article in the paper was just about our operating —

Mr. Sirabella:

— that is the daily operation —

Mr. Ferlo:

— do you have a preliminary indication as to what you are requesting for the 530 at this point?

Mr. Sirabella:

For the operating for all the parks? No, we don't.

Ms. Gallo:

That is in the discussion stage.

Mr. Ferlo:

What is the discussion? What is at the iiscussion stages in Parks relative to the 1996 $530,000.00?

Mr. Sirabella:

I'm want to make sure that the $530,000.00 could change. Of the one percent I think there's a number of priorities there and we have to make those decision. None of those have been made. It is not necessary at this point to state which projects we will spend that one percent on because the RAD says really you get it automatically.

Mr. Ferlo:

I'm trying to look at it from Council's point of view because I'm also trying to look at the fairness issue. It is true that these are four regional parks and everybody on this Council is concerned in a non-parochial fashion about the health of those parks. At the same time the district council representatives I think because we are also working actively with community groups and park enthusiasts and we are very informed and knowledgeable about the condition of the parks uniformly around this table. At the same time there needs to be a quid pro quo. In other words if we are able to utilize part of the 530 to improve the four regional parks I also think that other Council districts including the portions of the districts that don't have the four parks even within the Council district, I have park concerns in my council district for capital improvements that are outside of Highland Park per se. I'm getting back to the issue of equity and some uniform consideration here citywide of the park needs.

Mr. Sirabella:

You should know this one percent of half of the sales tax that is received that one percent can only be used for the four regional parks so at this point we have no made application, we will get that one percent. As we discuss it around the table and within the department —

Mr. Ferlo:

— I am going back to the equity issue. It's almost like we in Highland Park are being penalized because either we built the super playground with non-city dollars or because now we have the dedicated source although it's not clear we're going to benefit from the dedicated source and I don't want the view to develop that somehow whether it be Riverview Park, Schenley, Frick or Highland that somehow there are still other parks needs in our respective Council districts. I'm trying to make it clear and so far we have not been a part of the discussion relative to what could these improvements be.

Ms. Gallo:

I'm not clear what you are asking. The one percent has to be devoted to the four regional parks.

Mr. Ferlo:

I understand but we are out of the equasion on what those projects should be in these four regional parks.

Mr. Sirabella:

At this point the 1996 projects we will be glad to review them with you and to build a consensus of what the needs are in the four regional parks.

Mr. Ferlo:

That's all I'm asking.

The Chair:

I had some meetings with the Deputy Mayor and the directors about this issue and I think this is the appropriate time to bring up 1996 because I want to make it clear that the $530,000.00 and Councilman O'Connor as you know these two — we have been pretty good at not being parochial at this table but I thought it was outrageous the way the $530,000.00 was being spent. Not because Anderson doesn't need it, they do need it but to take the total amount and put that whole amount into Frick and Schenley and to ignore the north side of the city or Highland Park, to me it would have made sense and I explained this before to the Administration to put something in Schenley, something in Riverview and you would have covered two-halves of the city. And Riverview Park is truly regional, it covers one-half of Councilman Udin's district on the Northside and believe it or not people on the Northside don't run to Schenley, that is not their park and I'm sure there's people that go to Highland that don't use Schenley. Everyone seems to think that Schenley is in the middle of the city and everybody uses it. It is a great park, we have to keep it going and I will support these bills today but I think there was a major mistake made and I want to make it clear that in 1996 one percent should be allocated to Highland and Riverview, there should be no question about it and if I get a crumb thrown over to the Northside of $50,000.00 for next year, I will fight and try to round up five votes here to show not only equity but to halt the expenditures in some of these other other parks until we get some equity because I know right now it appears that whoever screams the loudest is getting something and there seems to be no rhyme or reason of why certain parks are being rehabbed and something has

to be done here. I don't think it was fair and this one here I think it was a major mistake made.

There are things that have been in the works for ten years here because there was time when Northside and West End were neglected and if you are going to base it on what was put into writing ten years ago that's going to kill us. Don't go by that. We have four parks that are entitled to the money. So I should hear from you right now that the 96 application is going to have Riverview's name on it and Highland and it should not be up for debate. They should be on the 96 application.

Ms. Gallo:

Remember in 94 before we had the RAD money we took city money and spend a lot in Riverview for the centennial.

The Chair:

I'm glad you brought that up Director because I have the budget for Schenley centennial and Riverview centennial, once again Schenley's numbers -- look at what we spent in Schenley and the crumbs you threw to Riverview. They put up guardrails and repaved the roads, I thought that was normal maintenance for parks. I still have a burned out cabin that is six years old and because Schenley was considered historical we take care of theirs but ours isn't historical, the recommendation is to destroy it. I don't want to get into this because the numbers will bear me out and everybody is going to be embarrased at this table.

Ms. Gallo:

It was a different administration then.

The Chair:

That's my point and we're following prior things that were on the agenda that was stated by the Deputy Mayor from a previous administration that it's not working here.

I'm in full support of it but what I didn't hear is the commitment of the application to say Riverview and Highland next year. I think it should be a package. I think we should spend $400,000.00 per park to do it right and let's do it for Highland and Riverview next year or even if it's a three-year cycle, I'll wait my turn but we are not getting that commitment here that the application is going to say Riverview and Highland and we need that because it is only fair. Anderson will be done this year, Frick will get whatever they're getting for 155 and we have two other regional parks that should be addressed next year in the budget.

Mr. Sirabella:

I think at this point I would want to review it with the Mayor before I can make a decision here. Certainly as we do we discuss between you and the Mayor both in session or out of session, let's discuss that with the Mayor and I'm sure it makes sense that this makes sense but at this point I can't commit that unless I have spoken with Mayor Murphy.

Mr. Ferlo:

I'm glad we are getting a credit but I think what we need because we don't want to get into battles and Councilman Hertzberg's point is well taken. Every park is not necessarily the same in use and obligations that we have. I think we need an operating and a capital and multiple year master plan now for the four parks. In the past we have attempted to do that at varying degrees with the Schenley Park Centennial and in fact one of the recommendations from that commission was that there would be an ongoing coordinator who would help to raise revenue and coordinate different things. In light of the RAD dedicated funding source both operating five point three million and the half of one percent roughly allocating 530 for capital, I really think that the communities, the immediate adjacent neighborhoods as well as citywide residents who utilize these four regional parks, I think there needs to be a collaborative effort certainly with the Administration and this Council but I think we need a collaborative effort with the community residents and the park enthusiasts. We need a multiple year master plan operating capital now that we know we have this dedicated revenue source and I think during the budget discussions this year we should talk about that. It may be that in any particular year having prioritized what the needs are maybe it doesn't make sense to build a new playground as opposed to fixing a wall or something that is of immediate harm and is going to give us more headaches. So I don't know that we have that necessarily. The community groups generally I know for Riverview and certainly for Highland Park and I'm sure for both Frick and Schenley, I'm sure they have a perspective of what the priorities are for capital dollars that could be utilized and I think we need to reflect on that priority, our own internal review based on the critiquing of the condition of the parks, the ordinance and somehow we have to bring this all together and then dialogue on what it is that we need to do and that's what asking for relative to this process. Also I think at some point we have to justify the five point three million because we are not getting the kinds of operating services from Public Works, Parks nor parks parks relative to the money that we're receiving. In a way it's a scam.

The Chair:

I want to say that I do agree with Mr. Hertzberg in that every park is different in size and needs and even though the regional assets district is only for the regional assets park I think if we had the plan that Councilman Ferlo is talking about and the money was coming from different pots I don't think anybody here would mind as long as we know that there's a plan to expend, there may be bond money for Highland, RAD money for Riverview or bond money for Schenley, that's not the issue. The issue is that it's on the table and it's scheduled to be rehabbed and the budget process does not work to do that because we review each department separately and usually the line items are so generic that we don't detail what we're spending the money on and anything we see at this body is when a piece comes forward one at a time and it's hard to look at the total picture. And we still haven't received anything showing us where the money is spent yearly and maybe that would help us and would put to rest a lot of the questions that we have of what parks we're renovating so I would hope that the application for RAD this year you may be forming a sub-committee with some Councilmembers and we can all have some input on it to look at that versus the bond money that we're spending to get an idea of where everything is going.

The regional assets are for four regional parks and as you stated every park is different but I think you would agree that 100 percent for two and zero percent for two other ones that's not equitable.

Ms. Gallo:

You are really comparing apples and oranges because you are separating out the RAD money and there is other playground money and as you know we had that meeting we're trying to be equitable and we will be. If you separate out the RAD money you can make a case that we haven't been equitable but that is apples and oranges.

The Chair:

If you recall Director when we looked at the other money outside of RAD the issue became worse and I showed that example to the Deputy Mayor of where a lot of the bond money was being spent on some of the larger parks and it was still heavily weighed to that corner of the city until I screamed a little bit and loosened up more crumbs for the Northside on the parks unless you can show me what was spent in 1995 on parks and prove me wrong. Everything I've seen across my desk is disproportionately weighted to one section of the city and I think that's wrong.

Mr. Hertzberg and O'Connor I know they think the Northside gets everything but as I pointed out again you look at the C. D. neighborhoods a lot of the Northside which Councilman Udin has with me, if you want to go by district I'll do that any day with anyone because you will be surprised. The project you're talking about Northside, ninety percent of those are not in my district so this isn't a district issue. This is about regional parks and that I got to remind sometimes that we do have one north of the rivers. Thank you. Any other discussion? All in favor for these bills? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Hertzberg and O'Connor I know they think the Northside gets everything but as I pointed out again you look at the C. D. neighborhoods a lot of the Northside which Councilman Udin has with me, if you want to go by district I'll do that any day with anyone because you will be surprised. The project you're talking about Northside, ninety percent of those are not in my district so this isn't a district issue. This is about regional parks and that I got to remind sometimes that we do have one north of the rivers. Thank you. Any other discussion? All in favor for these bills? Opposed? The ayes have it.

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MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 10, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Udin**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Cusick

The Chair:

I would like to welcome everyone to Chambers today, including our honorees. I am very pleased also that we have a number of young people here today, First, Second and Third Graders from the Immaculate Heart of Mary School on Polish Hill, they are here for our honoree, who we will bring up very shortly.

I want to welcome Ann Davis, also, this morning, as well as Cheryl Barry, the Principal at the school. And, we have Father Swierczynski, who is from the Immaculate Heart of Mary Church. And, we want to welcome all of you here today.

At this time would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a young man from Councilman Onorato's District, the 1st District, Todd Stillwagon. Todd, do you want to come up. He is in the Fifth Grade at Northview Heights. His mom is here, Laurie. And, he is going to lead us in the Pledge of Allegiance. Todd.

Todd Stillwagon:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Todd, we appreciate you coming down with your mom, and our City Clerk, Linda, would like to present you with the flag of our great City and the flag of our nation. And, thank you very much for leading us in the Pledge of Allegiance this morning.

PRESENTATIONS

The Chair:

We have a number of young people here today who are down here for a special reason, and that is to pay tribute to a wonderful individual, wonderful lady from the Polish Hill Community, and given the magnitude of this crowd, I want to get our honoree and Ann Davis and the good Father and our Principal, as well as the kids, up here and we are going to do a proclamation for Mary. So, do you want to please come forward. Yes, we got the kids up here, too.

Come on, the big kids in the back, the little kids in the front. I was always up front.

Mr. Onorato:

I wonder why?

The Chair:

I used to be taller before I got elected to public office, but -- till Mark Belko got a hold of me.

Councilman O'Connor, you could help get this choreographed here.

Thanks very much, colleagues, we appreciate your patience with this one, and I want to welcome all the kids here today from the Immaculate Heart of Mary School, and especially our honoree Mary Meyers. And, we have given her some red and white flowers, I think you know the symbolism there.

And, Councilman Ricciardi, we got to get him in here because she is a graduate of Duquesne University also.

THE CHAIR PRESENTS

No. 2524 WHEREAS, Maryanna Meyers has faithfully served the community of Polish Hill for over twenty years as a teacher and volunteer; and,

WHEREAS, Mary pursued a teaching career which took her to Louisiana and South Carolina later returning to Pittsburgh, her home, to teach at Immaculate Heart of Mary Parochial School in Polish Hill and later at Resurrection Parochial School in Brookline; and,

WHEREAS, throughout her teaching career, Mary has continued her involvement and support of the Polish Hill community by being involved on various school boards and serving as Recording and Corresponding Secretary for the Polish Hill Civic Association for seventeen years; and,

WHEREAS, for the past twenty years, Mary's commitment to Immaculate Heart of Mary School and the Polish Hill community has consisted of her activities as a teacher and volunteer until her retirement on June 1, 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Maryanna Meyers for her many years of dedicated service to the Pittsburgh community, especially Polish Hill.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, October 10, 1995 **"Maryanna Meyers Day"** in the City of Pittsburgh and wishes Mary many more years to fully enjoy her recent retirement.

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Let's give her an applause here.

I guess we have some additional flowers here being presented by the kids.

I know Mary mainly from the neighborhood meetings, where she would always get up and with a very strong and very articulate and very eloquent voice read the minutes of the previous session. But, she is one wonderful individual who really kind of typifies the values and all that makes Polish Hill a great Pittsburgh neighborhood, and it is a wonderful privilege and opportunity here today for all of Council and the City to pay tribute to a wonderful individual, and I am very proud to be here today offering this proclamation.

I do not want to give her age, but she was born in 1908, May 24th. I guess she is a Taurus like me, so I like that. But, she is a wonderful lady and God bless her, and I think the kids down here today is really a tribute to what Mary's life has been all about. She has got about another 30 or 40 good years in her, no question. You'll see when she gets up here. She is going to be with us for a very long time.

I wanted to bring the good Father up and Ann and maybe our Principal to say a few words, and then we will have our honoree say a few words. Ann. Ann is no stranger to Council Chambers, from the community group, as well as she sits on our own Pittsburgh Water and Sewer Authority Board. Ann Davis.

Ms. Davis:

And, our Councilman just said that she retired. She did not retire. I have been trying to do this for the last five years, for the last five years, every June she said, well, I think I've had it, I don't think I'm going back. The first day school starts, there she is back in school again. So, I have been trying for the last five years, and when she went back this year, I said we're going to do it whether she goes or she doesn't go. I've known Mary -- well, half of my life. She taught my daughter two grades in Immaculate Heart of Mary School. She was a great help. She is one of those kind of old-time teachers that stayed after school four or five hours, if the kids came to her and needed help. My daughter was one of them, she couldn't learn the time of the day, Mary stayed two, three hours after school to make sure she learned how to read the time, and she has been doing that for all her years of teaching. And, I love her.

She says she was my secretary-treasurer for Polish Hill Civic Association, and I love her. Father Joe said to me, how did you get her here. She walked in here, she didn't know it was for her. She said hello to everybody but she didn't know it

was for her. We have been so close together that whenever I need help, she is right there, and whenever she needs help, I'm right there. We don't ask questions, we just get dressed and come.

So, I want you to know that I love her and I will till the end of my days. And, I think she deserves this. And, thank you very much.

The Chair:

Father Joe, would you like to say a few words. Father, would you like to come up. And we will get our Principal up here also.

Father Swierczynski:

Ms. Meyers, as you know, has been here a many years, even the Third Graders said, she was even here when I came to school. So, she's been here longer than even three years. So, we want to thank her in this very special way. I am just fairly new to Immaculate Heart, just since July, but the love the children express for her you can see in the school, love is evident there for her and all her good example that she gives to all these young boys and girls. She is very, very excellent with the youngsters. She comes down to their level and is able to raise them up to a knowledge and love of God in the subject she teaches. So, I thank you in a very special way for all your efforts, your time and your encouragement, and God love you.

The Chair:

Thank you, Father.

Father Swierczynski:

You are welcome.

The Chair:

I would like to get our Principal up here also. We honored her last year. If you remember, she was the Good Samaritan who returned the quarters from the broken parking meter in Bloomfield.

Ms. McDonald:

Oh.

Ms. Barry:

Thank you. I just want to thank Mary publicly for all the work that she does. Mary has been volunteering at Immaculate Heart of Mary School probably for 12 years now. She started coming in helping tutoring children one on one. She would sub for us, she would do whatever she was called on to do. About nine years ago she started what we call the Learning Center, and that is an area where the children, Grades 1, 2, and 3 come and they play games, but the kind of games they play are reinforcing reading and math skills. So, they are learning their skills and they are learning their basics in a very fun and exciting way, and that is all due to Ms. Mary Meyers. So, we want to thank her for everything that she has done at Immaculate Heart.

The Chair:

Thank you. And, I do not know if any of the kids want to say anything, but at this time I want to bring Mary up for a few words. Mary, congratulations, if you would like to come up and say a few

words. I know you are a little overwhelmed.

Ms. Meyers:

Yes, I – excuse me. I don't know whether to say, let's say the "Our Father", first of all, or say "In the Name of the Father, the Son, the Holy Spirit", but any way, this is the way we start our classes. I am – I can't speak to you, you're big. I could speak to them, you see. Now, we would either have the "Quizmo" Game out or "Long Vowels or Short Vowels". But, any way, thank you so very much for being here, and I am overwhelmed. I love the children. I am not married, but I love the children, and they are so much a part of me. And, really, I don't know what to say to you, except, thank you so very much for coming to this ovation.

The Chair:

Thank you. Some how we are going to try to get a photo, I don't know how but we'll try. Good luck on this one.

Ms. Davis:

We are going to sing a song from here –

The Chair:

Okay, let's sing a song.

Ms. Davis:

– and I hope everybody understands the words, if you don't, we'll translate it.

(Song Presentation was made.)

Ms. Davis:

We're saying, "We Hope She Lives To A Hundred Years."

The Chair:

All right. Thank you very much. Thank you all. Appreciate it.

Thank you, colleagues for your patience on that one.

We have a gentleman, Mr. Fascetti, if you could come forward, please, very quickly, and we will move this along. And, next I will introduce Councilwoman McDonald, who has a number of important guests in the audience today.

I really think this next proclamation is really on behalf of all of our colleagues, many of whom have already expressed their concern about the situation at Connelley School. I would like to move the following resolution, which is of some important urgency in terms of the lobbying initiative that needs to unfold.

THE CHAIR PRESENTS

No. 2525 WHEREAS, Connelley Technical Institute & Adult Education Center, which opened in 1931 as a boy's vocational high school, has evolved into the premier adult education center in Western Pennsylvania; and,

WHEREAS, Connelley is a unique educational institution with multiple functions that offers vocational, technical, clerical, health and remedial training to adults throughout the greater Pittsburgh area; and

WHEREAS, Connelley operates a number of innovative adult education programs such as the Homeless Adult Education Program, the Project Connect/Transitionally Needy Program, the Single Point of Contact Program, The Job Training Partnership Act Program and the Dislocated Workers Program which all aid economically disadvantaged Pittsburghers by helping them to get into the work force; and,

WHEREAS, Connelley has a high rate of success and a high job placement rate in all of its adult education programs; and,

WHEREAS, the State Legislature has eliminated almost two million dollars ($2,000,000) in funding for Connelley which could force this marvelous educational facility to close its doors; and,

WHEREAS, legislation has been introduced in the State Senate to restore Connelley's funding.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, hereby recognizes Connelley Technical Institute & Adult Education Center, for its accomplishments in adult education in the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh supports full state funding for Connelley Technical Institute & Adult Education Center and urges the enactment of Senate Bill 1206; and,

BE IT ALSO RESOLVED, that the Council of the City of Pittsburgh hereby directs the Clerk of the City of Pittsburgh to send copies of this Resolution to Governor Ridge and all western Pennsylvania state senators and state representatives.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the resolution is self-explanatory. Councilwoman McDonald, being past President of the School Board, I know in the past has lobbied vociferously for the need to continue this very important educational institution, and it is education that directly relates to filling of jobs, and that is really badly what we need as we move ahead here in the City.

Alfred Fascetti is the Director of Adult Education at Connelley. I want to thank Senator Leonard Bodack from the 38th Senatorial District, who I believe is a prime sponsor of the bill.

But, again, we need to really kind of unfold the lobbying initiative in the next few weeks. And, please, if you would like to highlight the proclamation. Thank you.

Mr. Fascetti:

Thank you very much. Thank you, Mr. President, Members of Council. I particularly want to thank Ms. McDonald, who spoke at the public hearing as a Member of City Council. We certainly – the faculty, staff and students certainly

appreciate your support in our efforts to recapture the State funding that had been directed to Connelley for the past two years.

You have to understand that the financial problem that faces a school district is a much broader problem than simply the funding that came to Connelley. They are facing a potential 9.5 million dollar funding problem. Adult education is not a mandate of school districts, consequently Connelley comes under scrutiny as a result of being a non-mandated program.

At the public hearing last week – or the week before, I'm sorry – the board members took testimony from the public in the community and the faculty and staff and students are really very appreciative of the community support, support from Council and this declaration from Council today, which will certainly be very, very helpful.

And, we certainly want to thank Senator Bodack and the Members of the Legislature, Ivan Itkin, and other legislatures from the Pittsburgh area, who have been very, very supportive of this effort.

So, again, thank you very much, we appreciate your support, and hopefully it will become a payoff in terms of the board's budget problem. Thank you very much.

The Chair:

Councilman Udin.

Mr. Udin:

Yes. I just want to point out – thank you very much for coming, and then thank you, President Ferlo, for introducing this legislation.

Connelley is a very important institution, I think, in the strategy to grow the City, as was the theme of the Mayor's Capital Address yesterday. It is not just the right thing to do but it is also a strategically important link, as we provide skills and training to adults to take a significant role in the future economic development of the City and of the region. It is unfortunate that it has become – the funding of Connelley has become kind of a political football. But, I think that everybody, when you really get beside the politics and look at the role that Connelley has played and can play, can see that everybody benefits from the existence of Connelley Trade.

Thank you very much for the good work that you are doing, keep doing it.

Mr. Fascetti:

Thank you very much for your comments.

The Chair:

Thank you, Director. I appreciate your coming down. Thank you very much.

We have a number of guests in the audience. Councilwoman McDonald, Councilman Udin.

Ms. McDonald:

Would the guests of the Nation of Islam, Muhammad Mosque Number 22, come forward. Khallid Raheem, with the Gang Peace Council, would you please come forward.

And, while they are stepping forward. This is a resolution for the Million Man March that is scheduled for next Monday, October the 16th, and I felt, when they first approached me, that it would be nice for the City of Pittsburgh, the Council, to uphold this type of march for unification. I told them, I said, ummm, I said, this is going to be tough, I said, because I know that there are perceptions out there. So, I am going to preface with resolution with some remarks. So, I am going to give all my little speech before I read the resolution.

First of all, please understand, we are a nation of diverse ethnicities, of diverse religions, of diverse a lot of things, and in my community we are likewise diverse. We not only have Protestant religion, we have the Catholic religion. We have -- I have a synagogue on the edge of my community. And, I also have the Muslim religion in my community. And, my community is considered as one, especially when we come away from where we came from and come to common ground. And, the Million Man March is common ground for many individuals across the nation of many diverse affiliations, regardless of religion, regardless of political affiliation. I believe the only thing that is separating is the woman factor, and when these young men approach me, I'm thinking, ahhh, you all don't include the women. Let me tell you something. They have such supporters as Rosa Parks, they have Maya Angelou -- and remember, Rosa is the one that sat down so that we could stand up. They have the -- excuse me, let me get my notes -- the National Council of Negro Women, who I am a member of, the National Political Congress of Black Women, who I was a member of, and that was C. Delores Tucker. So, it crosses a lot of boundaries. And, as far as women are concerned, their stance is this: Black women for so long and continue to do so, are leading the way, they led the way a long time and they continue to lead the way. Well, this is a time that they feel that their black women can rest for one day and let them do the job that needs to be done and pull together. It is time to let the black man do what he does best and to do his part. It is time for them to show that they can take care of their fellow sisters, of their families, that they can be leaders in their communities, et cetera. This has nothing to do with what religion you are, so much as, are you going to take a stand in your community and take your rightful place and show that you are going to build your community up and be a very viable part of society.

And, I think this is an admirable, very admirable cause. I support it. I am not looking at who is involved, I am looking at what is involved. And, to be able to see so many disciplined, sober and yet active, very constructively active African-American men in Washington, D. C., on this day makes my heart feel very glad. And, I would hope that not only this is a show of unity but that they will bring something back to their communities, some commitment from Washington, D. C., in terms of jobs, in terms of whatever. And, it is a beautiful way to also display to the youth that we are not all -- African-American men, even though we have a very high incarceration rate, even though we have a lot of crime in

our community, that there are many, many African-American men who our youth can feel proud of and that they need to see, as these are the heroes. Heroes are not just in magazines and on the media, the heroes, the true heroes are in your community. And, I would hope that these men would go to Washington showing their heroism and that the youth would take pride in seeing that these are our true heroes because they are standing up for our future and making sure that we have a very viable and livable community ourselves.

So, again, it is time for the women, we're just taking a break, and it is time for them to focus in on themselves. And, I've said it before, African-American men I believe are a very endangered species, I'm not an endangered specie, I'm not prevalent in the jails, but our men are, our men are. So, it is time to focus, not exclude, but to focus, and women are their helping. And, I also may want to include some of the other supporters are mayors from many cities across the nation, including Mayor Rendell from Philadelphia.

So, in knowing who is on board makes me feel very good that they are looking for the common ground and the purpose behind this march, which is unity, which is empowerment, which is basically, we need to get back to our communities and take a rightful stand, and we are your heroes in the community.

Now, we have here – excuse me, I am going to ask for Brother Millard X – and if you have never known what that X means, this is not the time for it, but we all come from different backgrounds and sometimes I can go into a different church and wonder, why did they do that; or, why does this person have this title? Well, all religions are different and there is a lot to understand. But, right now I am going to introduce him as Brother Millard X, who is a Captain, there's Brother Jermaine X, Brother Ronald 3X – and I had to find out what the 3X meant – and Brother Johnny X, and Secretary Robert X, who are here, as well as Khallid Raheem. They are organizing the Million Man March, and you can call their office, and like I said, I know of millions of people that will be – not millions, thousands of people that will be there. Thousands. And, I know there are going to be hundreds from the City of Pittsburgh.

So, I am going to read the resolution, as I had prefaced this to make everyone understand what this is really all about. It's not a Muslim thing. This is the Million Man March for African-American men, period.

MS. McDONALD PRESENTS

No. 2526 WHEREAS, on October 16, 1995, black men from across the nation will unite in Washington, D.C. for the Million Man March, which will take place during the 25th Anniversary of the Congressional Black Caucus; and,

WHEREAS, the males-only Million Man March is being organized by Benjamin Chavis and the Nation of Islam leader Louis Farrakhan. The Million Man March also has big name supporters which include: Reverend Jesse Jackson, Rosa Parks, Maya Angelou, Mayor Marion Barry, and the National Council of Negro Women, just to name a few; and,

WHEREAS, the Million Man March is a result of the pressing issues that

surround the black male today - gangs, crime, drugs, and unemployment. The focus is the plight of the black man in America, however the concern is for the entire black community; and,

WHEREAS, the Million Man March is hoping to draw well disciplined, sober, committed black men ready to take responsibility for their families and communities. Their theme for this march is atonement, faith, and renewal.

WHEREAS, under the direction of Minister Anthony X, Mosque Number 22 Nation of Islam, Pittsburgh, too, will play an important role in the Million Man March. Organizations, fraternities and men from the Pittsburgh business community have come together to be involved in this important March in Washington, D.C..

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends the men of the Million Man March for attempting to regain their communities and families.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Monday, October 16, 1995 as "Million Man March" day in the City of Pittsburgh.

SPONSORED BY COUNCILWOMAN VALERIE A. McDONALD AND COUNCILMAN SALA UDIN

Ms. McDonald:

And, I would hope that you would support this resolution as many, many other major cities have done so in the past.

The Chair:

Need a motion to approve?

Mr. Udin:

So moved.

MS. McDONALD seconded the motion.

The Chair:

Moved and seconded. All in favor?

Mr. Hertzberg:

Just let the record reflect I abstain on this vote.

Ms. McDonald:

And I respect that.

Mr. Hertzberg:

Thank you.

The Chair:

Roll call vote.

Ms. McDonald:

Roll call.

Mr. O'Connor:

Before I vote, I would like to thank Ms. McDonald, I think you have did an eloquent job of explaining this, and I certainly commend the idea; in fact, I just came back from New York where I visited the Pope and heard him speak, and one of his main three topics, this was one of the main ones, was responsibility of men of all races and all creeds to be more responsible of their family and to raise their children.

So, I certainly want to support this whole march and the idea. I just want to make it clear for the record, I do not support Mr. Farrakhan or his anti-Catholic or anti-Jewish views, but I certainly support everything you have said about these men and the intentions of the march.

Ms. McDonald:

Thank you very much, and again, it is not a Muslim march and I know that the idea had sprung from an individual, but I think we have gotten away from where it sprung from and where it is going now.

So, thank you very much for those comments, I respect that.

Mr. Hertzberg:

Just to follow-up.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

I think the goal is great, I support the march and it is, unfortunately, though, the -- you cannot necessarily divorce the who from the what. I cannot at least, and - because Reverend Farrakhan I think did get things started and I cannot support his views. I will abstain rather than vote no because I do support the goal a hundred percent.

Ms. McDonald:

Other comments? All in favor?

Mr. Hertzberg:

I abstain.

The Chair:

Two abstentions.

Mr. Onorato:

I abstain, too, Councilman.

The Chair:

Three abstentions.

Ms. McDonald:

Thank you very much, gentlemen.

I would like to present the resolution but I first would like to ask for my colleague and co-sponsor of this resolution, Councilman Sala Udin, for some words. Thank you very much, gentlemen.

The Chair:

Councilman.

Mr. Udin:

Thank you. There are a number of resolutions that come before this Council at the beginning of these meetings, many of which are ceremonial, many are superficial and frequently non-controversial, this one is one that has its full share of controversy attached to it, because of the involvement of Minister Farrakhan, for some because of the involvement of Ben Chavis, who used to be the Director of the NAACP, for some because it is an all male march, all black male march.

But, some things that are not controversial are some facts that cannot be avoided that exist in the African-American community, one of them is that in 1994, 70 African-Americans in Pittsburgh died of homicidal results. In 1995, as of the end of September there were already 52 African-American homicides in Pittsburgh.

Pittsburgh leads the nation in the proportion of female headed heads of household, as well as other poverty statistics that reflect an urgent crisis within the African-American community and within the African-American family.

There are some things that cannot be resolved through laws and ordinances, through proposals and funds, they are things that only African-American men themselves can do and will have to heal. The leadership that our young people require in this community to stop the homicide, to stop the drug trade, to stop the gun trade, to stop the killing and the violence, black men have to step forward in that community and provide that leadership and provide that healing. The Million Man March is a vehicle that will help organize the black men of all communities across this country to take up the challenge that our communities present to us.

So, this is not one resolution that can just be passed by, it takes some courage and it takes some looking beneath the surface to be able to find sufficient reason to support this effort. And, I appreciate Valerie for having the guts to present this resolution, and I appreciate all of you for having the courage to support it, and thank you all, Brothers, for coming down.

Ms. McDonald:

Thank you. Would you like to say something.

Brother Secretary Robert X:

Good morning to you all. First I would like to say that I am deeply honored to receive this plaque from the Sister. There are a few things I would like to address but I imagine this is not the time and place now. But, I must say something in defense of my leader, the Honorable Minister Louis Farrakhan.

I heard the gentleman here and the gentleman over there say that they abstain and they agree with the march but not with him. So, I had to think, I have never heard this man tell us to go out and steal something, we aren't allowed to carry any kind of weapons or anything like that. That in itself is something to be pleased about. So you won't have to worry about us coming down breaking in your stores or anything.

And, I don't know, I don't know just what the problem is with the Honorable Minister Louis Farrakhan. All he has done is tried to uplift the black man and the black woman from this sad state that we're in. So, I can't find any fault with that, unless maybe, and maybe I'm wrong, but I feel as though the gentlemen here that abstained will say like, keep us where we are, don't try for no advancement or anything like that.

But, I just want to say to the Council, is that regardless of what anybody says, how anybody votes, we're going any way. Thank you.

Ms. McDonald:

Thank you.

The Chair:

Thank you.

Khallid Raheem:

On behalf of those men and women who are not members of the Nation of Islam, not members of Mosque 22, but who are very, very strong supporters of the Million Man March, let me speak to a few issues.

I for one am not a follower of Minister Louis Farrakhan, however, I am a very strong supporter of Minister Farrakhan when it comes to certain types of issues, and one of those types of issues is the need for black unity, black pride and economic development, the need for a day of atonement, as well as reconciliation.

This reminds me so much of what happened in 1963, leading to the August 1963 March on Washington, when several people stood up and criticized the organizers of that historic march. They criticized Bayard Rustin because they said he may have been a homosexual. They criticized Dr. King because they said that he was a young boy, he was too young to lead a march of that significance. Well, we know that history proved all of those critics to be absolutely wrong.

What I say to the group gathered here is that history will indeed prove you to be wrong. This is a necessary step towards the upliftment of black men and black women.

And, by the way, this march is not just for black men. There have been overtures made to Latino men, to Asian men, to Native American men. So, we are talking about people of color, those people who throughout the course of this countries history have always been the wretched of the earth and at the bottom of the barrel.

Let me leave you with this, there's a very strong possibility that I will be speaking personally at the Million Man March, and based on what I've heard here, there's no guarantee what I may say to one million brothers if I get a chance to speak. Thank you.

Ms. McDonald:

Thank you very much.

The Chair:

Thank you.

Ms. McDonald:

And, lastly, I just want to thank my colleagues. And, for those who abstained, I want to still thank you for that, because it means to me that you may have concern but you agree with the purpose, and that is all I really want to hear from you, is that you agree with the common ground that is here. So, I want to thank you for that, and I want to thank the entire Council for passing this resolution.

The Chair:

Well, again, I think, again, even though I voted for this, I voted for the spirit of what both you and Councilman Udin expressed in terms of what is going on within the community, particularly the African-American community, and I think if the march can help to mobilize and instill some sense of fight back and spirit, I am all for that.

Certainly I have major ideological problems with the Minister and even some of the philosophies, both in terms of anti-semitism, in terms of sexism, in terms of homophobia. When I heard the Minister speak, it just -- my back cringes.

But, I think that is not the focus. I do not think the focus of our resolution or the focus of the march is either to agree or disagree with the particular philosophies of Minister Farrakhan or the particular religion. I do not believe that that is the focus.

Personally I guess my problem -- and I expressed this privately to my colleagues -- and I guess my disagreement with the march is coming from the left perspective, and that is, I just see it as a step backwards. I think it is not creating a need for black/white unity in this country, which I think if we are going to make some progress, we have to build a political movement that is based on black/white unity in this country, based on an appreciation and understanding of the problems. That we are either all going to move together or nobody is going to move ahead at all and particular individuals and members of our community disproportionately are going to bear the burden of the economic oppression and the other kinds of problems that our society faces.

I also think the politics of it have kind of evolved over the last month, you know, in terms of mobilizing. I think the presence of Maya Angelou and Rosa Parks seems to be a concession when there has been criticism about the lack of participation of women.

I just have -- I guess my problems with the march are more focused on what the themes are. But, I would harken the colleagues' comments, especially Councilman Udin's, and that is why I voted for the resolution.

Councilman Onorato.

Mr. Onorato:

Yes. I just want to point out -- and I thank both my Council colleagues for bringing this forward -- but the one thing that is to be pointed out here is that, my four years on Council, 95 percent of these resolutions get approved unanimously. But, there has been several times where I actually voted no on certain resolutions, I just totally disagreed with. You did not "no" vote today, you heard three abstentions, and I think it is because -- and we all know that one individual we have

different feelings of how his comments affect us. But, I think the abstention is showing that we believe that there is something here that we all agree with. It is not a total rejection of the idea. It is about an individual that some of us have a personal problem with and we are expressing it in different ways today. Council President Ferlo voted yes but explained his concerns just now. My abstention goes to Mr. Farrakhan, too, and some of his statements that have been made over the years, and that is why I abstained.

But, I think the goal you are trying to achieve, it is an honorable goal, and I do support it. As you well know, especially the individuals sitting there, how disgusting racism is, I am sure you can appreciate why some of us might have some problems with some comments that were made. And, that is why you have at least three abstentions here today. And, Councilwoman – and that is why I am abstaining. That is not why – that is why you did not hear a no vote here because there is some good in what you are trying to do here and I recognize that.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

I do not want to turn this into a lengthy debate but I would just like to respond that, I support a lot of the goals of Louis Farrakhan and he is a great leader and I am behind him a hundred percent in his leadership of African-Americans but some of the messages that he is bringing along the way are just – they are the wrong messages. I do not think there is anyone on Council that supports hatred and prejudice and bias towards particular people, and the Jewish faith is what I am talking about, I mean that is my ancestry. And, again, though, the vote was to abstain.

The Chair:

Councilman Cohen, and then the gentlemen, if they would like to have a response. We are not going to turn this into a public hearing but I think if you would like to – the local Minister would like to comment. Councilman Cohen, and then, gentlemen, you are more than – Councilman Cohen.

Mr. Cohen:

It has already become one, Mr. President.

With this resolution, as with many others that have come before Council, each of us has a choice to focus on either the negative or the positive. I agree with Councilman Hertzberg that there have been wrong messages in the past, and I am not sure anybody knows that on this Council more than I do, personally. But, I chose with my vote to focus on the positive, and the message of this march is a message of atonement and renewal, and I cannot think of a better message for anyone than that, and a message of actually taking personal responsibility for one's self and for one's family and for one's community is a very positive message and one that I think is necessary for our entire community but particularly now with the serious problems that we have in the African -American community, especially problems that have beset the

African-American male. So, for that reason I support this resolution.

The Chair:

Thank you, Councilman. Gentlemen, would you like to –

Brother Secretary Robert X:

As far as the few gentlemen that said that the Minister teaches hate. The Minister teaches the truth. So, and then we are taught that like however the truth make you feel, that's on you. So, if somebody says that we have been mistreated, that's the truth. If somebody tells us to join together, and if we have love to put out there, love yourself first. Love begins at home. Charity begins at home. So, like I look like a fool standing up here telling my people to love somebody else and to hate themselves. That's not right, you don't do it.

So, the Minister teaches the truth, and he has been vilified, he has been – done everything. Everybody is saying, he's this and he's that and everything, if you listen to the man, you have to bear witness that he's telling the truth. It's just like I was watching television the other day and these two reporters, they misquoted him, they said that he said something, he wasn't there to defend himself, but it just so happen that a brother was there that did defend him, that he wasn't the one that said it. And, these things like this are put out, and the reporters that said that, they didn't try to rectify it, they just let it go as though nothing was said. Those are the things that we are trying to get over and everything.

So, like we as a black man, me as a black man, I know what it is, and nobody thinks like a black man but a black man. Thank you.

The Chair:

Thank you. Closing comment.

Khallid Raheem:

Closing comment. I have to say this in all due respect, because I am sure that many of you, especially the journalists here, watch a lot of journalistic programs. If you had watched "This Week With David Brinkley", I do believe that Minister Farrakhan appeared on "This Week With David Brinkley". He also appeared on BET, what's that "Front Line - First Issue", Channel 29, BET, in which he made it very clear that he was willing to sit down with any members from the Jewish Community or any other community that thought that perhaps he had offended them. And, that is keeping with the spirit of the Million Man March and its central theme, which is atonement and reconciliation.

So, I just want to leave you all with that. Don't judge people by things you may have heard or things that they may have done from the past. Everyone is in a constant state of growth and development. I consider myself to be a student of history. I remember studying, 1963, the Great March On Washington, 1963, in which many Civil Rights leadership severely criticized the Nation of Islam for their failure to support the 1963 march, now here it is 32 years later and they have

taken the vanguard role in having a second major march and now they're being criticized once again. You can't have it both ways. Thank you.

The Chair:

Thank you. One thing is for sure, with or without the Council proclamation there will be a Million Man March.

Ms. McDonald:

Thank you.

The Chair:

Thank you all and good luck.

At this time I believe the Councilwoman has two more proclamations to be read into the record by our City Clerk.

MS. McDONALD PRESENTS

No. 2527 WHEREAS, on October 6 1995 through October 9, 1995, The Grand Shelter will hold their Annual Conference at the Pittsburgh Hyatt Hotel; and,

WHEREAS, Betty Smith Shelter No. 24 is a subordinate shelter of the Grand United Order of Antelopes of America Incorporated. The Grand United Order of Antelopes was organized in 1925 for the betterment of the community. Betty Smith Shelter joined the organization in 1940; and,

WHEREAS, the Betty Smith Shelter No. 24 assists senior citizens, gives scholarships, has a youth program, and gives to needy homes, groups or organizations. In the past they have provided aide to the Lemington Home, St. James Deaconess Home and other groups in the Pittsburgh area.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends the Betty Smith Shelter No. 24 for their outstanding commitment to community service.

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2528 WHEREAS, on Thursday, October 5, 1995, Alpha Terrace will receive their official marking as Pittsburgh's "newest" Historic District; and,

WHEREAS, Alpha Terrace is a noteworthy collection of fanciful row houses that was officially named a City Historic District in August, 1995. Once an endangered element of Pittsburgh's rich architectural heritage, Alpha Terrace has succeeded in the fight to survive; and,

WHEREAS, built between 1880 and 1890, Alpha Terrace is a group of twenty-five, two and three-story brick row houses with Granite facades. Thirteen Queen Anne-style houses on the east side of the street face 12 houses designed in a Romanesque Revival style evoking Henry

Hobson Richardson's masterpiece, the Allegheny County Courthouse.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh commends Alpha Terrace Preservation Society for nominating Alpha Terrace as a city historic district.

BE IT FURTHER RESOLVED, that the Council in the City of Pittsburgh declares, Thursday, October 5, 1995 as "Alpha Terrace Day" in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor, I do not know if you have guests here, or one to be read into the record.

MR. O'CONNOR PRESENTS

No. 2529 WHEREAS, Giant Eagle, Inc., through its supermarkets in the Pittsburgh and tri-state area has conducted the "Apples For The Students" program in partnership with local schools; and,

WHEREAS, by collecting and redeeming Giant Eagle cash register tapes, participating schools are awarded free computers, audio-visual equipment and other valuable high-tech teaching tools for their classrooms; and,

WHEREAS, by the end of this school year Giant Eagle's contributions in eight years of sponsorship of this program will have reached more than $13 Million worth of teaching aids, representing a major commitment and contribution to provide strong support and high quality educational opportunities for area youth; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh acknowledges these contributions and commends Giant Eagle for its outstanding community service through this and other programs for the education of our children; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Tuesday October 10, 1995 as "Giant Eagle Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

I believe that concludes our resolutions under proclamations. Are there any others?

Are there any matters under Unfinished Business or Reports of Special Committees?

Moving to then Presentation of Papers, beginning with Committee on Public Safety, Councilman Cohen.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 2530 Resolution providing for the issuance of a warrant in the amount of $4,980.00 for replacement of a damaged image laser printer, chargeable to and payable from CCIISP, Department of Public Safety, Bureau of Police.

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2531 Resolution providing for a contract or agreement to purchase nitronox field units for the Bureau of Emergency Medical Services, Department of Public Safety. Total cost shall not exceed $22,500.00, chargeable to Code Account 1423, Equipment.

Which was read and referred to the Committee on Public Safety Services.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. COHEN FOR MR. CUSICK PRESENTED

No. 2532 Resolution amending Resolution 591 of 1995, which further amended Resolution 211 of 1995, entitled, "A Resolution providing for an agreement/s with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or minor rehab of neighborhood facilities for the benefit of the residents of the City, at a cost not to exceed $123,750.00, chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning," by decreasing Beechview Merchants Association by $1,900.00 and increasing Beechview Community Council by $1,900.00.—**(SPONSORED BY MR. CUSICK)**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

MS. McDONALD PRESENTED

No. 2533 Resolution authorizing the URA to acquire that property in the 15th Ward of the City of Pittsburgh owned by William Conner and Estates of Bernard Erenstein and Lester Breakstone, and designated as Block and Lot 88-R-166, under the Industrial Land Reserve Fund.

Also,

No. 2534 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 5th Ward of the City of Pittsburgh being designated

as Block and Lot Nos. 10-J-55 and 10-N-15, under the Residential Land Reserve Fund.

Also,

No. 2535 Resolution approving execution of a Disposition Contract by and between URA and the Hill Community Development Corporation for the sale of Block and Lot Nos. 10-J-55 and 10-N-15 in the 5th Ward of the City of Pittsburgh -- Residential Land Reserve Fund (residential construction).

Also,

No. 2536 Resolution approving execution of a Disposition Contract by and between URA and Beverly A. Smith and Harold Jordan, Jr., for the sale of Block 83-J, Lot 56 in the 11th Ward of the City of Pittsburgh, Residential Land Reserve Fund – Garfield Sideyard Program (sideyard).

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO PRESENTED

No. 2537 Resolution transferring the sum of $500.00 from Code Account 1016, Salaries, Regular and Temporary Employees, Mayor's Office, to Code Account 1016-1, Premium Pay, Mayor's Office.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.
Also,

No. 2538 Resolution providing for the issuance of a warrant in the sum of $175,000.00 to Delano Golden, c/o Dennis M. Morgenstern, Esquire, Evans, Ivory, P. C., 1311 Frick Building, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred at the intersection of Bennett Street and Brushton Avenue.

Also,

No. 2539 Resolution authorizing and directing issuance of a series of General Obligation Bonds, Series A of 1995, dated as of November 1, 1995, in the aggregate principal amount not to exceed $75,000,000, and a series of General Obligation Refunding Bonds, Series B of 1995, dated as of November 1, 1995, in the aggregate principal amount not to exceed $70,000,000.

Also,

No. 2540 Resolution providing that the City of Pittsburgh enter into a professional services contract with the Three Rivers Area Management Committee. Cost not to exceed $990,000, chargeable to and payable from Code Account 44, Workers' Compensation Program Administration, Department of Finance.

Also,

No. 2541 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties,

acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance and Budget.

MR. UDIN PRESENTED

No. 2542 Resolution transferring the amount of $17,000.00 from Code Account 1001 (100107), Salaries, Regular Employees, City Council, to Code Account 1001-2 (100123), Salaries, Wages and Services of Council, City Council.

(SPONSORED BY COUNCILMAN SALA UDIN)

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2543 Resolution transferring $3,700.00 (Three-Thousand Seven Hundred Dollars) from Code Account 1103, Miscellaneous Services, to Code Account 1102-1, Premium Pay.

Which were read and referred to the Committee on Finance and Budget.

THE CHAIR PRESENTED

No. 2544 Resolution authorizing and directing the City Controller to conduct an annual performance audit of the School District of Pittsburgh.— **(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2545 Communication from Tom Flaherty, City Controller, submitting the Performance of the Department of Public Works, Environmental Services Operations, Recycling Division, dated October 1995.

Which was read, received and filed.

The Chair:

Thank you. I would like the Controller present next week on that bill regarding the School District.

That concludes our Presentation of Papers. There were no matters under Unfinished Business, unless any of my new colleagues came to the room.

Moving to the Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with the Committee on Finance and Budget, Mr. Ricciardi for Mr. Onorato.

Mr. Ricciardi:

Mr. President.

The Chair:

Thank you, Mr. Ricciardi. And, Mr. Onorato is not in the room right now but there is a motion on one of his bills.

MR. ONORATO PRESENTED

Bill No. 2546

Report of the Committee on Finance and Budget for October 5, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2484

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title One - Administrative, Article XI, Personnel, by adding Chapter 199 - Performance Evaluation Program.— **(SPONSORED BY MR. HERTZBERG)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Bill No. 2484, regarding the Performance Evaluation Program, I ask that my comments be brought forward.

(REMARKS-SEE ADDENDUM)

Mr. Hertzberg:

And, I would like to thank the Administration, particularly Personnel Director Parees, Deputy Mayor Sirabella, and Mayor Murphy for their support, and without their support there would be no use in doing this kind of legislation, but with their support and everyone's support on Council, I think we can actually make this program start happening. First we can only do it on the non-union level, but I am hoping that everyone else will see the sense of it and the effectiveness and most important, the savings to the taxpayers.

The Chair:

Thank you, Councilman.

Other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of vote passed finally.

Also,

Bill No. 2487

A Resolution entitled, "Resolution providing for the issuance of a $1150.00 warrant in favor of Michael Seman in settlement of claim for police vehicle damaging Claimant's parked car."

Which was read.

Also,

Bill No. 2489

A Resolution entitled, "Resolution providing for the issuance of a $1889.45 warrant in favor of Martin P. Chabala in settlement of claim for accident involving a City vehicle."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2490

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/NeighborFair Sideyard Program."

Which was read.

Also,

Bill No. 2491

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

The Chair:

Councilman Onorato, I believe you have an amendment.

Mr. Onorato:

Yes. On Bill 2491, you have in front of you in writing, I have an amendment there, this was brought up by one of my colleagues, I can't remember, I apologize, I think it was --

The Chair:

Councilwoman McDonald.

Mr. Onorato:

Councilwoman McDonald. Just to change a clerical mistake, from Council District 9, to read Council District 5.

The Chair:

The motion has been made, is there a second?

MR. HERTZBERG seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Other comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2513

A Resolution entitled, "Resolution providing for the interfund transfer from the General Fund to the Capital Project Fund, on an interim basis, sufficient monies to continue the City's Capital Improvement Program. The amount is not to exceed Five Million Dollars."

Which was read.

Also,

Bill No. 2510

A Resolution entitled, "Resolution amending Resolution No. 641, effective August 14, 1995, entitled, 'Resolution providing for the use of new and/or existing agreement(s) and/or contract(s)

for Energy Management Services,' by changing the wording of Section One."

Which was read.

The Chair:

I would like to thank Director Hennigan for forwarding to this Council the information we requested regarding the bond issue and the capital projects anticipated for the five million dollar transfer.

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. UDIN PRESENTED

Bill No. 2547

Report of the Committee on Planning, Zoning and Land Use for October 5, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2199

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by creating an administrative permit process and administrator exception for authorization to install a swimming pool, pool deck, garage, carport, parking stall, storage shed, gazebo, deck or air conditioner/condenser within a limited portion of specified yard setbacks when accessory to a one-family, two-family or rowhouse type dwelling use and structure in any district.—**(ALL COUNCIL DISTRICTS)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I will brief. On 2199, I will be voting no. The reason for that is, I don't believe that garages, carports or parking stalls in the background should be by Administrative approval. I think they should go through the current process, and that is before the current process, and that is, before the Zoning Board of Adjustment. The reason

for that is, because these type of uses do have the grave potential of having a detrimental affect on the abutting neighbors, and because of that I believe the proof of burden, or at least the burden itself should be on the applicant and not the protester, meaning that presently it is on the applicant, the applicant needs to go before the Zoning Board of Adjustment and prove that it is not going to be the detrimental affect. If we pass this as is the burden now would turn to the protester, where the protester will actually have to go to the Zoning Board of Adjustment, file an application and appear and then the burden of proof switches.

So, with my no vote, I am not saying that garages, carports and parking stalls can't occur in backyards, they can still be permitted, I am only saying that you can't compare that type of use to a storage shed or an open deck or the placement of an air conditioner, I mean in no way, and we realize the difference between that type of use, meaning that if you are going to pull a car into a lot, you're talking about exhaust, you're talking about noise, you're talking about constant traffic.

So, again, my no vote means that these can occur but I believe they should go before the ZBA and not receive Administrative approval.

And, just as a very courteous comment to my colleagues, I believe this vote -- if this passes today with that type of use, that in the future you are all going to be getting phone calls from your constituents saying, how was that placed, why was I not informed, why is the burden on my, why do I have to be the protester, and whatnot.

I am not going to make a motion to delete. There was a motion to delete, it was put forth by the committee chair, I believe it only received two votes, by Mr. Cohen and myself.

Again, I am not sure how other districts are. My district, I believe, is opposed to this. There was a workshop, it was an open workshop, which is represented by three Councilmembers, and it was put forth there and the constituents at that workshop were against this; as a matter of fact, the Administration even had second thoughts. Please remember, I believe Councilman Udin, just as a courtesy to the Planning Department, put that forth. So, it had the support of the Administration to delete that, unfortunately it fell on death ears. Thank you.

The Chair:

Councilman Udin, and then Mr. Hertzberg.

Mr. Udin:

Yes. I just want to speak in favor of the motion, in that, I think that the bill, as it is written, does not penalize people for using their own backyard, the rear of their homes for parking, I think it helps ease the parking problem, and I think we need to make it as easy as possible for people to access their own property for parking purposes, and I think this bill does that, and that is why I have changed the

initial position on it and move to support this bill.

The Chair:

Thank you, Councilman. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I think, when the Zoning Ordinance for this City was first written, it was written for some dream of what the future would hold, rather than with the reality of what we had. It was written as if most lots were one acre lots for single-family residences. That wasn't the case, it isn't the case and it's not going to be the case. And, I think this is all – this particular bill here is part of a larger plan to amend our Zoning Ordinance to bring it in step with reality. And, the parking issue, I am very happy to see it addressed here, we could even go further with it. And, as Councilwoman McDonald brought up last week – and I ask that my comments be brought forward from last week –

(REMARKS-SEE ADDENDUM)

Mr. Hertzberg:

– Councilwoman McDonald, being on the Parking Authority on a regular basis deals with these big lots, but we never talk about our residents and what's going on with their parking. Well, I have a lot of firsthand experiences with what is going on, where we have homes that are single-family homes that are about ten feet apart, each one of them, hundreds of them on narrow streets on which there's no parking permitted, and it has to be that way, too, because we have to be able to get emergency vehicles through there. But, to further penalize these people by saying, you can't put up a garage, you can't have any kind of parking whatsoever, I mean you're just supposed to live without a car, or what have you, I think it's wrong.

And, I think that the way this bill is written, there are sufficient protections here for those that are opposed. They will receive notice, they will have the opportunity for a hearing in front of the Zoning Board of Adjustment. I am very much in favor of this bill.

The Chair:

Thank you, Councilman. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. With all due respect to my colleague, I think that was a slight misrepresentation, because Councilman Ricciardi and I are not saying that this bill should be changed so that you cannot put in a garage, carport or parking stall, but rather we are saying, we should keep the Administrative process the way it is for that narrow exception, and say, not that you can't do it, but you have to go before the Zoning Board to do it, just like you have had to do from the beginning of the Zoning Board, which I believe was 1958. This bill makes a lot of major changes, most of which I support, which is, it says that now you do not have to go before the Zoning Board, it is just done by a simple rubber stamp, Administrative exception for a swimming pool and deck, a

storage shed or gazebo, an open deck, an air conditioner condenser in the side or rear yard or in the front yard. I support all of that. But, when it comes to parking in many of our neighborhoods, including some that I represent, that are very dense and there's not a lot of room there, I believe that you should have to go before the Zoning Board for that one narrow exception. It doesn't say you can't get it, but it says you should go before the Zoning Board and at least have somebody look at it and make a reasonable judgment.

So, if that can't be taken out, which apparently it can't, then I am going to oppose this bill.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

I really don't have much more than what I had said last week, so I would just ask that my comments be brought forward from last week's Standing Committee Meeting.

(REMARKS-SEE ADDENDUM)

Ms. McDonald:

And, to ditto what Councilman Ferlo had said last week, I think this is a vote for the little guy.

The Chair:

And lady.

Councilman Onorato. I like this bill so much I've wore my property rights tie.

Mr. Onorato:

Which is actually a surprise, Mr. President. When I see you push for property rights, I'm very happy.

Yes. I am going to support the bill -- let me just say that I am going to support this bill only because right now I think the whole system stinks, and that the fact that you can build a 900 foot tower in the backyard of residents of Spring Hill, or put any social service provider program in the neighborhood just with a wave of a wand, why not allow someone to build a garage or a deck with the same easiness.

With that, I would like the Clerk to find out from the Planning Commission when those two bills are moving forward for public hearings, the one relating to the towers, and the one relating to Conditional Use regarding Group Homes. Council President Ferlo and I co-sponsored a Group Home piece of legislation, I think, and the towers --

The Chair:

We co-sponsored the towers, and you have a separate bill on --

Mr. Onorato:

Oh, that's right, I want Conditional Use for everything, instead of freebies for everybody.

So, if we could get those bills moving forward, I would appreciate it. I

would rather fight a garage construction in my district than the leaning tower of Pisa that's going up in the Spring Hill. Thank you.

The Chair:

Thank you. Mr. O'Connor.

Mr. O'Connor:

My comments brought forward on this bill, please.

(REMARKS-SEE ADDENDUM)

The Chair:

Councilman Hertzberg, on this bill.

Mr. Hertzberg:

I just want to make a brief response, in that the current state of affairs with the items mentioned here is that, you have to be able to get a variance right now, which is a pretty difficult standard, hardship being the buzz word, that you must demonstrate. It is a very difficult burden right now. I think this really makes it now a level playing field.

The Chair:

Again, this bill is a reasonable correction to the Zoning Code. It only affects a couple of zoning classifications, I believe, R1, R2, R2T. So, we are not talking about every zoning classification, including more importantly the larger apartment buildings, such as in Oakland and other neighborhoods that may be problemsome.

It is a very good bill, I very much support leaving in that issue that was talked about. And, again, I want to point out, over 95 percent of the cases there's not a protestant. So, it is like we are burdening everybody for three or four percent of the cases where there is actually an adjoining property owner that is complaining and makes a formal protest. And, even now under this bill and that situation, that protestant does not have to pay any fee to file a protest against the Zoning Administrator's decision. It is not a simple rubbing stamping at the counter, it is actually the Zoning Administrator reviewing the particular approval and the particular variance. It is a good bill, I am glad it has remained intact.

Any other comments? And, if we are wrong, we can always come back in the future, but I do not think that is going to be the case. Hearing no other comments, roll call vote.

Mr. Cohen:

"No" because the Zoning Administrator has never and will never turn down one of these requests.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Onorato
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 6 NOES 2

(MR. COHEN AND MR. RICCIARDI VOTING NO)

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2548

Report of the Committee on Housing, Economic Development and Promotion for October 5, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2509

A Resolution entitled, "Resolution providing for an agreement or agreements with the Urban League for the provision of Housing Counseling Services at a cost not to exceed $100,000.00, payable from the 1993 CDBG Program, Department of City Planning, Project No. 4-35-05-0076-93-516-93-35."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

I just wanted to say that I am very pleased on the way the Urban League has carried out this contract, because we continue to receive these quarterly reports, I just wish all the money, or all agreements that we entered into, that they would keep us informed as the Urban League does.

The Chair:

Thank you. Councilman O'Connor.

Mr. O'Connor:

I just want my comments brought forward, too, in support of this.

(REMARKS-SEE ADDENDUM)

The Chair:

Thank you. Hearing no other further discussion, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and

Resolutions, are there matters to be brought before the body? Hearing none, motion to excuse the absent Member.

MR. ONORATO moved to excuse Mr. Cusick for absence from the Meeting.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

The Chair:

And a motion to adjourn.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILL NO. 2484, WEDNESDAY, OCTOBER 5, 1995)

Mr. Hertzberg:

Director Parees is here. First just to summarize what this bill is. Out there in private business the performance evaluation is extremely common. In fact, companies that have as many employees as the City of Pittsburgh usually have departments with a number of personnel that are devoted exclusively to the performance evaluation process and with this bill I'm hopeful that we can implement some form of performance evaluation process for City of Pittsburgh employees beginning with those that are not covered by collective bargaining agreements and I'm hopeful and I have had some discussions with members of some of the labor unions that represent city employees that they may be interested in this system also.

I think that promotions are sometimes made and sometimes have a negative impact on the morale of city employees when it's perceived as being a promotion based on something other than the merit of the particular person promoted and I think it is well-known that employees will perform better when they receive feedback on their performance from supervisors and others. Often political favoritism as seen as a reason for promotions particularly with municipal employees although I think there's politics involved even in large corporations. People perceive that to be a reason for promotion and that is another morale problem.

The program that is being proposed would not require the expenditure of any additional funds. It may be wise to do that though. There will be some training required and for the best implementation we probably should allocate some funding for this program.

Personnel Director Parees is here and this legislation would call for the Personnel Director really to be responsible for the details of the performance evaluation system as well as the implementation of it. The legislation does specify a few types of evaluations that could be included but most of the details would be left to the Personnel Director.

I mention in the legislation is a performance evaluation and that's when the employee writes out how they think they are performing. What they are strong in, what they are weak in and of course the main performance evaluation being one by the supervisor which says that this employee is doing well here, well here, bad here, et. cetera.

The third one that is mentioned here and potentially a controversial one is what is called an upward performance

evaluation of supervisor. That's where you basically get to critique your boss and then you have an oral interview between the supervisor and employees also, one of the potential types of evaluations mentioned.

The legislation states that performance evaluation shall not be used as a basis for demotion. If we want people to participate and be honest in this we should not use it to demote people, it could potentially be a problem if used in that way but that it should be used for promotions. Also traditional areas, deficiencies in training and/or education can be shown. Of course plans for future improvements, praising achievements. A supervisor should praise achievements of people and often that's overlooked and of course pointing out deficiencies in performance.

Also in the legislation is a written response would be permitted and encouraged by anyone that is evaluated. And the final detail is the timing of this. I had the initial draft of this legislation called for, a quick movement into this. I met with Director Parees and we're slowing it down a little. I think if we're going to do this right we need to do it and the time frame calls for actually next June 30th for the actual selection and details of the whole program, implementation not this January but the following January. But I have no problem with that. I'd like to see this happen faster, I think it's in the best interests of the city and the taxpayers that we improve productivity. We're always constantly being asked to get more done with less but nonetheless to make the system work I think we need to take our time and do it right. Director, do you have any response or comments?

Ms. Parees:

Yes. I'd like to commend Mr. Hertzberg and his staff for the excellent job they have done in background investigation on performance evaluation systems. My staff at the same time has been doing investigating different systems and trying to identify one that would be most useful to the City and to its employees. Mr. Hertzberg described a number of different evaluation systems and in addition to systems done on paper and pencil where we sit down and fill out a form, there are also computerized systems which may be available to us in the near future. My staff will be attending a demonstration tomorrow, a three-hour demonstration on one such system and that would be a very efficient way in terms of record keeping and conducting the evaluations for our employees to be able to utilize their computer system. So I'm hopeful that by June 30 we will have identified the best system for the City. We may need to customize one that is on the market, there are some very good ones out there. I think the time frame is very workable and what we are looking for most in a system is a tool — a real

performance evaluation system should be a management and an employee tool where an employee knows what's expected of them and when we are sitting down to evaluate performance we are doing that on the basis of what goals were set for them. Earlier they know what their expectation was, you know what their expectation was and you can come to some reasonable conclusion about their performance. So this legislation certainly moves this ahead on my agenda, it's been on the agenda since I arrived and I'm very pleased to be here at this point in time.

Mr. Hertzberg:

It won't have any impact on the existing structure but the whole point in not using the performance evaluation as a disciplinary program is to try to make it work better. I think if we're going ask an employee to do an honest self evaluation, if it can be used against him I'm sure they're going to say I'm strong, I'm grate on everything and likewise a supervisor would be hesitant to be critical when they should be for fear that I really like this individual and I don't want to hurt them. I want it to work well and I want everyone to be open and honest and that's why that's here but nonetheless you still would continue to have whatever disciplinary process we have.

Ms. Parees:

I think it does impact in the sense that it provides balance and an opportunity. All of us are more likely to provide that criticism than we are to provide the praise and appreciation and so this does provide the opportunity for balance which I think is important.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILL NO. 2509, WEDNESDAY, OCTOBER 5, 1995)

Mr. O'Connor:

I want to support this because I have been very impressed with the Urban League. We have had problems financial or housing problems and they have been very, very helpful to them. As far as I know they have done an excellent job.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MESSRS. HERTZBERG AND O'CONNOR AND MS. MCDONALD'S COMMENTS ON BILL NO. 2199, WEDNESDAY, OCTOBER 5, 1995)

Mr. Hertzberg:

I would be voting against this amendment but for other reasons. I think our whole zoning ordinance is inappropriate and I think some of the changes that are being made here are are appropriate and I don't think these changes go even far enough. I think we want to encourage people to improve their homes to be able to do so if there's no opposition with the most minimum amounts of procedures and I think that's what this bill does. The complaints I get are from people that are sick and tired of going through the red tape when nobody cares and when they are trying to make their property better and that's what this was about, I don't want to take anything out of it. I want it as it is and in fact I want it to include more if we could and we asked to see what wasn't included and I still want to see that but I wouldn't be in favor of the amendment for those reasons.

Ms. McDonald:

I have to echo Councilman Hertzberg's comments. I have been through the crap that goes on in terms of trying to improve your property. It is a bureaucratic nightmare. It is not easy, it is a hassle to come Downtown during working hours you have to take off or at least find the flexibility work just in order to better your property; that's baloney, that's bullcrap. And I feel that we should be more friendly towards a procedure in which people can beautify, accentuate or whatever their property, it really benefits the whole community.

I am not going to agree to this particular deletion simply because I hear people coming to the table often times about we want to preserve our community and the beauty thereof. We have a different problem in some parts of our area and not only in my community but I'm sure in areas of Bloomfield — there are so many little areas and communities that were built, the homes were built for single family households during a time where those people didn't have a car. They didn't have a car. We are talking 40 or 50 years later or more. People have more than one car. There are two people having to work now just to make a living. Where are they going to park? Sometimes there needs to be more provisions to modernize where we are at today in the City of Pittsburgh and around the country in terms of letting people be able — we have to be livable. We are back to the word "livable". You can have a beautiful property but it is not livable if you have nowhere to park, nowhere for your visitors to park. You have to somewhere to park your car — bottom line and I don't give a darn about the beauty and all that. You have to make a city livable, that's first and foremost. You have to accommodate people and what they have to do to live in City of

Pittsburgh and often times that may mean a car, it may mean two cars just to suffice. This is not 1950, it is 1995 so I'm definitely not going to support deleting a garage, carport or parking stall in the rear yard. I wouldn't mind modifying that to make it more palatable so there are more checks and balances so that you don't have a car lot on your block. In other words there's more cars sitting in yards and what have you but there needs to be some modification to this language, but I think it needs to be put in there but definitely not delete it. You have to allow people to park their cars and to be able to get back and forth from home, some kind of way. This has to be re-thought.

Ms. Hirsh:

This deletion does not say there will be no carports or parking stalls. What it simply says is that rather than it being administrator exception it will go to the Zoning Board for a variance.

Ms. McDonald:

But then we are back to the bureaucracy. You're back to where people have pull teeth just to be able to find a decent and reasonable way to live on their property. Again, I can't support if it adds onto the bureaucratic process, no.

Mr. O'Connor:

I'm surprised especially the Shadyside and Oakland area at least some small group is against it because that's where all the parking problems are and probably the highest stolen car rate in the city and I asked this question at the hearing and it's definitely not in the front of any building or home so the person who is going to use this bill would have to have a driveway and access to the rear of their home to either build a garage or carport which I feel is very necessary. I want to make one thing clear that it can't be a commercial vehicle — could it be used for that?

Mr. Brown:

No. And this is limited to a single-family home or a townhouse type building and not for any apartment buildings or any commercial use or any commercial vehicle.

Mr. O'Connor:

I'm glad you clarified that so I'm for keeping that in and I'm also supporting the bill because the bureaucracy I have and hear about it just in my neighborhood in the last two weeks about a simple replacing a back porch or a patio that has been

there going down for a hearing is ridiculous so I support this bill and I hope you put it through soon so the people don't have to go through all this aggravation.

Ms. McDonald:

I want to make one last comment. Being a member of the Parking Authority Board we always talk about parking is very critical downtown. We are constantly thinking how many bond issues do we need to issue to build a garage? We already have Third Avenue Garage under way in reconstruction. We are looking at the C. S. X. site and we're looking at all these places to build garages. Lazarus is going to get an underground garage. How is it that the Planning Commission doesn't think of the whole gamut and say we are focusing on critical parking downtown when we have critical parking problems in communities? Again, let us remember that there is a lot of criticism and it has been that there's a lot of focus on downtown and not enough on the communities and their needs. Again I would urge the Planning Commission in their deliberations that there may be some very vocal groups, some groups who are privy to being able to afford air conditioning and open decks and all this but there are some people that want a parking place somewhere in the back. Think of the average person out there and not downtown and those that have.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 17, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning. We have a number of honored guests in the audience today. We would like to move along quickly.

And, at this time I would ask you to please all rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are also very pleased to have a young man here today, Danny Hertzberg, the son of our Councilman, Councilman Alan Hertzberg, from the Elizabeth Seton Elementary School. He is in the 2nd Council District. Danny is going to lead us in the Pledge of Allegiance. Danny.

Danny Hertzberg:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Danny, you did a great job. You made your dad proud and this Council. Give you the flag of our City and the flag of our nation.

PRESENTATIONS

The Chair:

At this time I would like to call on Councilman Alan Hertzberg.

Mr. Hertzberg:

I would like to ask the Letter Carriers to come forward please. While they are stepping forward, I would ask the Assistant Clerk to pass these little brochures around the Letter Carriers have provided us with.

And, it is my pleasure to pay tribute to our Letter Carriers who so often we take for granted. And, let me read this resolution:

MR. HERTZBERG PRESENTS

No. 2549 WHEREAS, Pittsburgh District Letter Carriers take great pride in the collection and delivery of the mail. Letter Carriers are active in community projects such as "carrier alert" where they keep a watchful eye on the senior citizens and disabled. "Carriers Caring for Children" is a program designed to make children aware that the letter carrier is a friend who can help in an emergency situation; and,

WHEREAS, Mail Handlers are the unseen backbone of the Post Office. They work in factory-like mail processing centers, unloading trucks, running machines that sort the sacks, canceling stamps on letters and moving mail to its proper stations. Last year, Mail Handlers moved 180 billion pieces of mail nationally and helped keep the U.S. Postal Service the most efficient and least expensive mail system in the world.

WHEREAS, Rural Carriers deliver and collect all classes of mail in rural communities. They are often referred to as a post office on wheels, selling stamps, money orders and providing other postal services to the patrons on their routes.

WHEREAS, Clerks process all the mail entering and leaving the Post Office and provide administrative support. Post Office clerks are often complimented for their friendliness and eagerness to provide prompt, knowledgeable and courteous service.

WHEREAS, Postal Maintenance Personnel maintain all structures and processing equipment, and provide a clean and safe environment for employees and customers alike.

WHEREAS, Motor Vehicle Operators, Mechanics and Transportation Employees "keep the fleet on its' feet" and transport the mail between postal facilities at all times of the day and night; and,

WHEREAS, Postal Supervisors monitor the processing and delivery of mail to ensure quality service to Pittsburgh residents and surrounding counties. Administrative Office Supervisors provide a network of free services to the public and business community.

WHEREAS, the Postal Police enforce postal service rules and regulations on postal property, and enforce laws enacted for the protection of persons and property. Postal Police respond to robberies and burglaries at post offices, various medical emergencies and provide convoy and escort service for high-value shipments.

WHEREAS, Postmasters are responsible for keeping customers and employees informed about postal issues and products. In many cases, Postmasters are the one and only connection customers have with federal government postmasters.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh gives recognition to employees of the U.S. Postal Service for their dedication to providing the highest quality of service to the residents of the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

So, as you can see from this description of the many functions, there is a lot that we see and a lot that we don't see that goes on with the United States Postal Service.

And, I would like to call on Larry McLean, who is our District Manager, to make a few comments.

Mr. McLean:

Thank you, Councilman, and thanks to all of the Members of the Pittsburgh City Council for the proclamation, and I say that on behalf of the more than 9,000 postal employees who strive day in and day out to deliver the kind of quality mail service that you in the southwestern part of the state have come to take for granted. And our internal testing and external testing done for us by Price Waterhouse proves that the Pittsburgh area does receive some of the highest quality service in the country, and many times we like to be taken for granted. And I believe just as an electric utility or a water company wants that kind of recognition where they are just simply taken for granted, so do we in the postal service. When you turn on a light switch you want light, when you open a mail box you want the mail. So, I suppose that, in one way, while we like to be taken for granted, we also appreciate from time to time when the community does say back to us that they appreciate the efforts that we put forth, and speaking on behalf of the employees who strive to provide that service to the community, I say thank you.

The Chair:

Thank you very much.

Mr. Hertzberg:

Most of the postal employees are members of labor unions. And we also have with us, Jim Gavigan, who is the Executive Vice President of the Letter Carriers Union.

Mr. Gavigan:

Thank you, Councilman. On behalf of all the people represented here today, all the different organizations, we wish to express our gratitude to the City Council for this proclamation, and we pledge our faith and support and show that we will work into the future and try to uphold this proclamation, and this is not the first time we will have receive, and I want to thank the Councilman for that for recommending it, and again for the City Council, that on behalf of Pittsburgh City Letter Carriers, we thank you very much; we certainly appreciate this honor. Thank you.

The Chair:

Thank you. Thank you all. Congratulations. We also would like to thank you for helping to promote the Regatta this year with your postal resources. That was a tremendous initiative. Thank you.

Mr. Gavigan:

Don't forget our Letter Carrier's Band.

The Chair:

That's right. Let's not forget the Letter Carrier's Band also, they'll be out there in Lawrenceville and Bloomfield and all around the City.

At this time I would like to call on Councilwoman Valerie McDonald.

Ms. McDonald:

Mr. President, one to be read into the record.

The Chair:

Thank you, Councilwoman.

MS. McDONALD PRESENTS

No. 2550 WHEREAS, on Friday, October 13, 1995, the Sportsman's Unit 913, American Legion Auxiliary, will celebrate their 50 year Anniversary at the Holiday Inn, Parkway East; and,

WHEREAS, The Sportsman's Unit has actively served the Homewood area and the entire Pittsburgh Community for the past fifty years; and,

WHEREAS, the main objective of The Sportsman's Unit is to give aid to Veterans and their families. Unit 913 is proud to have had the first African-American Junior Department and the first and only African-American Department President to be one of its members.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh commends The Sportsman's Unit 913, American Legion Auxiliary for their many accomplishments and their active involvement in each and every community.

MS. McDONALD moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Would Malcolm Francis please come up. Malcolm, welcome to Council. Let me read this proclamation. He is the head of the Lebanese Delegation, Congress, in Pittsburgh.

MR. O'CONNOR PRESENTS

No. 2551 WHEREAS, dedication to the ideals of greater tolerance, understanding, friendship, cooperation among all peoples, and respect for beliefs of people of all nations deserves accolades of our citizenry; and,

WHEREAS, the American Lebanese Congress was founded in Pittsburgh in 1987 to bridge the gap between the American, Lebanese and Jewish communities, and to educate the American public about the heritage of Lebanon; and,

WHEREAS, the American Lebanese Congress consists of 3,500 members nationwide including 1,600 in the Western Pennsylvania Area. It is the only organization to unite members of the Muslim, Jewish and Christian communities in an effort to bring lasting peace to Lebanon and the Middle East; and,

WHEREAS, the American Lebanese Congress will be holding its Awards Dinner on Saturday, October 28, 1995. The dinner is in part to honor the following distinguished individuals for their service to the community:

The Hon. Barbara Hafer
Charles Betters
Peter Tanous
Dr. Nancy Israel
Dr. Joseph Maroon
The Hon. Joseph Peters
Lynn Cullen
Dennis Roddy
Lynne Hayes-Freeland
Maxine Bruhns
Rev. Christopher Henderson
Robert Coury; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh proclaims Saturday, October 28, 1995, as "Lebanon Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, Malcolm, this is an outstanding dinner, I have been to it before, and you have a list of maybe 15 outstanding awardees of all nationalities and religions, and please accept this in my behalf and come up and tell us a little bit about it.

The Chair:

Good morning, sir.

Mr. Francis:

Thank you. Thank you, Councilman O'Connor, Mr. President, honored Councilmen and Councilwoman who are present here today. I want to thank you for this beautiful proclamation today and I pledge to you that with your help and the help of Mr. O'Connor we are going to make Pittsburgh No. 1, at Pittsburgh, that all communities, ethnics, or non-ethnics, black and white, will be living together, go existing together here, and we will try to make it No. 1, an example for the whole nation and for the whole world. And anyone who wants to see how people are living together let them come to Pittsburgh and see how all of us are living in harmony.

I want to thank you. I won't take too much from your time. And hope to see you on October 28th. Thank you. I hope to see you again.

The Chair:

Thank you, and congratulations to all the awardees.

Councilman, I believe you have another proclamation on behalf of all colleagues.

Mr. O'Connor:

Yes. Actually this is really a League of Nations day today, Mr. President. Actually I would like Councilmembers Joe Cusick, who is a co-sponsor, co-chairman for basketball, Councilman Alan Hertzberg is a co-chairman for soccer, and myself and Bob Walk, co-chairman for baseball.

We have three groups and three countries. I would like maybe each to come up separate, if you don't mind, so that each one can – actually the proclamation is the same but we have three large groups.

Would the Japanese group please come up first. And, you were in here – you were the earliest, and I would like to read the proclamation. I know you want to –

Actually I won't read the resolution because we have three groups and most of this group does not speak English. So, I will let you read it in – if you want to read it in Japanese so that they understand.

Ms. McDonald:

I want to hear it in Japanese.

Mr. O'Connor:

Yes, because Valerie is the only one that understands. In fact, you were going to interpret for us.

Actually this is the group who represents Japan in soccer from the Pittsburgh Sister Cities Association. And, if you could read it. Do you want to read it to them so they understand.

Keiko Tonegawa:

You're not going to read it at all?

Mr. O'Connor:

Well, I would have to read it three times. Do you want me to read it first, then you interpret it?

Keiko Tonegawa:

Yes, I think that's good.

Mr. O'Connor:

All right. I thought you guys would be the baseball players, too.

Keiko Tonegawa:

I'm sorry. Well, next time I'll bring the baseball team.

Mr. O'Connor:

They're the soccer team. Because you play for the Dodgers so well.

MR. O'CONNOR PRESENTS

No. 2552 WHEREAS, the Pittsburgh Sister Cities Association in conjunction with USAir, British Air, and the Center for Sports Medicine will be hosting the 1995 Challenge Cup from October 17, 1995, through October 28, 1995. Foreign athletes from Pittsburgh's Sister Cities and twin regions around the

world are officially welcomed to the Greater Pittsburgh area; and,

WHEREAS, the Pittsburgh Sister Cities Association welcomes soccer teams from Omiya, Japan, Krasnoyarsk, Russia, and Sarajevo, Bosnia; baseball teams from Moscow, Russia; and, basketball teams from Moy Valley, Ireland. All are world-class amateur athletes with whom we appreciate their time and willingness to participate in our efforts to strengthen world relations; and,

WHEREAS, the Pittsburgh Sister Cities Association congratulates the host Pittsburgh Communities for their generous hospitality. We wish success to all of the amateur teams in the greater Pittsburgh Area who will play these Sister Cities visiting teams during the next two weeks; and,

WHEREAS, the Pittsburgh Sister Cities Association congratulates and commends the participating teams for dedicating the games in support of UNICEF's efforts to help the people from our Sister City, Sarajevo recuperate from the devastating war; and,

WHEREAS, the Pittsburgh Sister Cities Association congratulates the honorary co-chairmen of the Challenge Cup, Rod and Joe Woodson and the co-chairmen of each sport who include:

Bob Walk and Councilman Bob O'Connor for Baseball,
Suzie McConnell and Councilman Joe Cusick for Basketball,
Paul Child and Councilman Alan Hertzberg for Soccer; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes the fine presence of these athletes from our great city and sister cities alike. We look forward to future tournaments planned for 1996; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims October 17, 1995, through October 28, 1995, to be "Challenge Cup Week" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, VALERIE McDONALD, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Now, this is the soccer team from Japan, and I think very few speak English, so we would like you to read this to them, and we will have a tape for you to take back home.

Keiko Tonegawa:

Thank you much.

(Japanese translation of proclamation took place.)

Keiko Tonegawa:

Thank you.

The Chair:

Thank you.

Mr. O'Connor:

Thank you. Do you want to say who the delegations are? Do you want to say a few words, or – please.

Toshio Machida:

(As interpreted by Japanese Interpreter.)

We are very honored to be included as part of this resolution.

I would like to take this opportunity to thank the Pittsburgh Sister Cities Association and other related organizations that made the whole program possible.

After coming to Pittsburgh I found the City is a wonderful City with three rivers running through the City and I still find a lot of tradition and history and behind these traditions and history, your citizens of Pittsburgh have built a quality life and I understand you must have paid a lot of efforts to build such a wonderful City and we have a tremendous respect for your efforts.

As a citizen of Omiya City I would like to tell our fellow citizens of what you have done in the City and I will tell you about the City Council and the citizens that made such an effort to make such a wonderful City. And in the future I hope that the friendly relationship between the two cities will continue, not only sports but also in other areas. Thank you very much for your attention.

Toshio Machida:

Thank you. Thank you very much.

The Chair:

Thank you all.

Mr. O'Connor:

You want to talk, too?

The Chair:

Cute kid.

Mr. O'Connor:

Do you want to say thank you?

Keiko Tonegawa:

Say thank you.

Mr. O'Connor:

Say thank you in Japanese.

Yohei Kobayashi:

"Thank you".

The Chair:

I would like to welcome Larry Evans here this morning from Pittsburgh Sister Cities Project.

Mr. O'Connor:

Thanks a lot. Thank you very much for your time.

The Chair:

Thank you very much. I believe we have two more delegations to bring up.

Mr. O'Connor:

We have one more.

The Chair:

One more delegation.

Mr. O'Connor:

Will the Russian soccer team please come up. My Russian, she's not too good. We have a different proclamation for them. Is it basically the same?

Mr. Evans:

This is the translator right here.

Mr. O'Connor:

Oh, we have a translator here. Do you want to just read it in Russian, because it is basically the same thing, so they understand. We have a shorter one. You can read this, and Larry Evans, then you can speak on Sister Cities; how's that? Do you want to read this?

Kuzavor Valeriy:

They want me to read it?

Mr. O'Connor:

Yes, you can read it.

Kuzavor Valeriy:

For whom?

Mr. O'Connor:

You can say it in Russian so the kids understand.

Kuzavor Valeriy:

(Russian translation of proclamation took place.)

Mr. Evans:

If you could introduce the team leader and just have him say a couple words.

Kuzavor Valeriy:

He is the President of our Sports Association of Krasnoyarsk region. He wants to say some words.

The Chair:

Good morning.

Muratov Vladimir:

(As interpreted by Russian Interpreter)

So we are glad to take place in this competitions. We know that such competitions take place this here time in your City.

There's much common between our two cities, Krasnoyarsk and your City, Pittsburgh.

So we have two great sportsmen, one in our country, your Mario Lemieux and ours is Gale Lamanna.

Now we have a Russian soccer team, Siberyachka, which came here to take place in your tournament, and I hope it will help us to make friends.

So our local authorities of Krasnoyarsk takes care of all sportsmen. So this year great attention and lots of money were paid for the sports for small kids.

And we hope that besides our sports team some more sports team will take place next year maybe in your competitions.

So we appreciate you for everything you've done for us and we hope that next year the competition will be much better, much more interesting maybe.

We would like to present you our small gift, a small book of our town, City of Krasnoyarsk, from Siberia.

Mr. Evans:

Thank you very much.

Mr. O'Connor:

I guess we all think we are so different but we certainly have one thing in common, is our kids and the interest we have with sports and helping them grow to be better adults.

And, with us is Larry Evans, the President of Sister Cities. Larry.

Mr. Evans:

Thank you, Bob. Sister Cities Association in Pittsburgh only began about four years ago, it was through a previous Administration, and it is an all volunteer organization that tries to do its best to promote international understanding between citizens of Pittsburgh and people in foreign countries. We are a member organization of Sister Cities International, which was set up by Dwight Eisenhower back in the 1950s as this umbrella organization over the Sister City relationships that many cities have with foreign countries. So, when I go to conventions of Sister Cities International I am amazed by the connections that have happened, the incredible exchange programs that are in progress with other cities.

We see the Russian baseball players finally coming in.

The City of Omiya, Japan, which was just up here, has brought to us a wonderful soccer team, which has played our best to a tie, and they bring to us essentially world class soccer. Also in soccer we have this team, Siberyachka, they are from Siberia, from Krasnoyarsk region, and they are world class as well, several of their players are Olympians. They have played Indiana University, Seton Hill University, California University, Washington and Jefferson so far, and there has not been any contest yet really. They will be playing our Olympic Development Team at the end of this tenure. So, they have brought to us world

class soccer that none of our women have really witnessed to this level.

I would like to especially thank them for their patience with this young tournament, we're only two years old in this effort to get kids homestayed in peoples' families. That is the magic of the Sister City exchanges. These kids, these people are actually brought into the homes of people in the Pittsburgh community.

I want to congratulate Moon Township for hosting the Japanese kids. I want to congratulate North Allegheny and Mt. Lebanon for hosting the Russian baseball players. I want to congratulate the South Fayette community for hosting the Irish kids who will be here next week. I want to congratulate the Oakmont community for hosting the Bosnian kids that are coming here. And that is probably the most significant thing that will be happening in this tournament.

We are actually endeavoring to bring a Sarajevo 12 year old soccer team here next week. There are a lot of kinks in the transportation arrangements yet, so we are not absolutely sure that they will be able to make it, but they are supposed to be in next week. And that is why we are dedicating this entire tournament to Sarajevo, they're the most neediest of all our sister cities, and all proceeds that we made on the games will go to the UNICEF relief for children in Sarajevo.

Thank you very much, Council, for having us. I would like to have the Russian boys come up, if that's possible. Thank you very much, Siberyachka.

The Chair:

Congratulations. Thank you.

Mr. Evans:

I would like to comment, as the Russian boys -- would you come up, please, and their host families. These boys are from Moscow. Baseball originated in Moscow about six or seven years ago, and these fellow represent a 12 year old and a 15 year old baseball team. I think most of these guys are 12 year olds. If you can believe it, the guy with the Kansas City Athletics jacket is 12 years old and he throws a 70 mile fast ball.

The fellows had their first game last night. They just lost to Mt. Lebanon 3 to 2 in Moon Township, and I would like to take care of their proclamation now.

Mr. O'Connor:

How old are -- this is 12 year olds?

Mr. Evans:

Yes, these are the 12 year olds.

Mr. O'Connor:

I will just briefly read this.

Would the coaches want to --

Mr. Evans:

Could one coach come up and say a few words. Nadia, could you come up and translate, please.

Mr. O'Connor:

Do any of the boys speak English?

Mr. Evans:

Come on up, tell about your team.

Mr. O'Connor:

Tell us about your team and what position you play.

Volkov Alexander:

Center field.

Mr. O'Connor:

Center field. Oh, that's good. Come on, stand here and tell them. What's your batting average? Do you bat lefty or righty?

Volkov Alexander:

Yeah.

Mr. O'Connor:

Are you having fun?

Volkov Alexander:

Yeah.

Mr. O'Connor:

Who's your pitcher, fast ball, 70 mile an hour?

Mr. Evans:

Here's our pitcher. Come up, pitcher.

Mr. O'Connor:

Who throws the 70 mile an hour fast ball?

The Chair:

Racquet arm over here.

Mr. Evans:

Do you know any English?

Zakharova Nadezda:

No.

Mr. O'Connor:

Do you want to play for the Pirates when you get bigger.

Mr. Evans:

Could the translator from Siberyachka come up just for a second, just for a brief -- Nadia.

The Chair:

Where's Nadia?

Mr. Evans:

Would you come up just real quickly.

The Chair:

We need your translation services.

Mr. Evans:

We have some future pro ballers here and --

The Chair:

We're going to have to budget for some translators, Nadia.

Mr. O'Connor:

Can't you translate; Hertzberg, I thought you could translate?

The Chair:

We ought to change the staff around.

Mr. Evans:

Well, actually let's let the coach say a few words.

The Chair:

Let's welcome the coach here. Let's give the coach some room here.

Russian Coach:

(As interpreted by Russian Interpreter)

He wants to say a great thank you to all people who organize all this tournament.

So everything was very perfect.

They met very good teams.

He wants this tournament to be continued next year maybe.

So and they would be glad to see you in Moscow and different cities of Russia.

The Chair:

Very good.

Mr. Evans:

I just wanted to add that the older boys would have been here except they're sleeping in today because they played until close to 11:00 or 11:30 last night at Butler, at the Butler Pullman Park. But, again, these are very good baseball players, they are very likely to become the national team of Russia. So, we're very happy to have you here. Thank you.

Mr. Evans:

Oh, ask him how fast he throws, that's one last question. Ask him how fast –

Mr. O'Connor:

How fast. Fast the balls goes. Pitch.

Zakharova Nadezda:

Seventy.

Mr. O'Connor:

Seventy? He says that right. He knows how to say 70. I bet you could read a contract, too, what we say, when you get older.

The Chair:

Sign him up for the Pirates.

Mr. O'Connor:

Good job.

The Chair:

Congratulations.

Mr. O'Connor:

Thanks a lot for bringing them down.

The Chair:

Thank you. Thank you, Larry. Congratulations and welcome to all of you, I hope you have a safe and wonderful time here in the City of Pittsburgh.

At this time I would like to call on Councilman Cohen, I believe you have a –

Mr. Cohen:

Both to be read into the record, Mr. President.

The Chair:

Very good, Councilman.

Mr. Cohen:

Thank you.

MR. COHEN PRESENTS

No. 2553 WHEREAS, the Zionist Organization of America is the foremost advocacy organization for the State of Israel; and,

WHEREAS, the Justice Louis D. Brandeis Award, the most prestigious award of the Zionist Organization of America, will be presented to prominent community leaders Sylvia and Donald Robinson at its Golden Anniversary Celebration Dinner on October 22, 1995; and,

WHEREAS, Sylvia Robinson, credited as the first woman to be a vice-president for the United Jewish Federation of Pittsburgh, and Founder of the American Friends of Israel War Disabled Program, is currently Chairperson of the Riverview Center for Jewish Seniors; and,

WHEREAS, Donald Robinson has volunteered his knowledge and talents on the local level to the Pittsburgh Symphony, the Jewish Healthcare Federation and is currently Chairman of the United Jewish Federation's Renaissance Campaign, and on the international level, has served as director for such prestigious organizations as the American Jewish Joint Distribution Committee, the United Jewish Appeal and the Interfaith Hunger Appeal; and,

WHEREAS, because this is a very special anniversary year for the Zionist Organization of America, nationally acclaimed performer and writer Carl Reiner will be the featured entertainer of the Dinner.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the Zionist Organization of America for over 50 years of service to Israel and the Jewish community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends and thanks Sylvia and Donald Robinson for their exemplary leadership of the Jewish community and the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTS

No. 2554 WHEREAS, for the past 30 years, Big Brothers & Big Sisters of Greater Pittsburgh, Inc. has provided over one million hours of service through its volunteers to enrich our children's lives; and,

WHEREAS, Kenny Ross has tirelessly served Big Brothers & Big Sisters of Greater Pittsburgh since 1965 as a member of the board and agency benefactor; and,

WHEREAS, Kenny Ross has guided the agency with his vision and support to reach out to our children, one child at a time; and,

WHEREAS, it is fitting to pay tribute to all volunteers of Big Brothers & Big Sisters of Greater Pittsburgh on the agency's 30th anniversary.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Kenny Ross and Big Brothers & Big Sisters of Greater Pittsburgh, Inc. for serving as friends and mentors to Pittsburgh's youth and congratulates the agency on 30 years of exemplary service to the Pittsburgh community.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTS

No. 2555 WHEREAS, On October 20-22, 1995, The Pierians, Incorporated will host its Eighth Biennial National Assembly in Pittsburgh, Pennsylvania; and,

WHEREAS, The Pierians, Incorporated is an organization of women interested in promoting the fine arts and other artistic endeavors; in enhancing the enjoyment of the arts through the pursuit of study and other activities; in recognition to individuals in the community for their contributions to the arts; and encouraging further study through giving awards and scholarships to students of music, art, theater, dance, and related fields; and,

WHEREAS, The Pierians was founded in 1958 by Mrs. Annette Colbert Johnson in Baltimore, Maryland; and,

WHEREAS, Six other Pierians chapters were formed in Washington D.C.; Columbia, Maryland; Pittsburgh, Pennsylvania; Greater Flint, Michigan; Baltimore County, Maryland; and Prince George County, Maryland; and,

WHEREAS, Mrs. Madelyn Hairston-Giddens, Chairperson of this National Assembly, and Mrs. Rose D. Edmondson, President of the Pierians Pittsburgh Chapter, seeks to raise the consciousness level of our community for the significance and importance the arts play in our lives; and,

WHEREAS, In a collaborative effort The Pittsburgh Pierians and the Manchester Craftsmen's Guild will honor Generations Together, Rogers School for the Creative and Performing Arts, and the African American Heritage Quilt Guild.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends The Pierians for their contributions to the community and to the arts, and extends congratulations as they celebrate their eighth biennial in the City of Pittsburgh.

MR. UDIN moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2556 WHEREAS, the chiropractic profession was founded on September 18, 1895 by Daniel David Palmer in Davenport, Iowa and celebrated its centennial on September 18, 1995; and,

WHEREAS, the profession of chiropractic is now practiced by doctors of chiropractic throughout the world, including 50,000 practicing chiropractors in the United States of America; and,

WHEREAS, contemporary standards in chiropractic education, research and practice have led to overwhelming acceptance of the benefits of chiropractic health care by the public and the health care community; and,

WHEREAS, each year millions of Americans now choose chiropractic health care for the rehabilitation and maintenance of their health by natural methods and without the use of drugs or surgery; and,

WHEREAS, the Pittsburgh College of Chiropractic (later Universal College) was for three decades (1912-1944) a leading institution of the profession, graduating more than 2,000 practitioners; and,

WHEREAS, this institution pioneered the development of the first upright x-ray for postural research, and this college was recognized at its Fairmount Street location at ceremonies on September 18, 1995; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby acknowledge the 100th anniversary of the founding of the chiropractic profession and the significant contribution that chiropractic has made to the health and welfare of Americans.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Pittsburgh College of Chiropractic for its contribution to the development of the chiropractic field.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

That concludes our Read and Adopted. Moving to Presentation of Papers, Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 2557 Resolution authorizing the transfer of $200,000.00 from the Emergency Medical Services Reimbursed Trust Fund, (EMSRETF) to the Emergency Medical Services Trust Fund, for reimbursement of special event wages paid from EMSTF. **(PRESENTED BY MR. COHEN).**

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2558 Resolution authorizing the transfer of $1,300,000 from the following Code Accounts: $900,000 from Code Account 1443, Police Salaries and Wages, Department of Public Safety; $150,000 from Code Account 1132-5, Radio Improvement, Department of General Services; $175,000 from Code Account 1043, Miscellaneous Services, City Information Systems; and $75,000 from Code Account 1612-5, Rental of Equipment, Department of Public Works to Code Account 1443-4, Police Premium Pay, Department of Public Safety, Bureau of Police.

Which were read and referred to the Committee on Finance and Budget.

MR. CUSICK PRESENTED

No. 2559 Resolution providing for the issuance of a warrant in favor of Saks Fifth Avenue in the amount of $15,755.00 for reimbursement of sidewalk improvements made by Saks at the request of the City of Pittsburgh, and charging the same to Code Account EC95-56.

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2560 Resolution adopting Official Sewage Facilities Plan for the ALCOA North Shore Headquarters Plan of Property located on Isabella Street between Anderson Street and Sandusky Street in the 22nd Ward of the City of Pittsburgh.

Also,

No. 2561 Resolution adopting Official Sewage Facilities Plan for the North Shore Project Area - Lincoln North Plan of Property, bounded by Anderson Street, General Robinson Street and the Allegheny River's North Shore in the 23rd Ward of the City of Pittsburgh.

procedures in an effort to reduce the budget deficit. Recommendations include but are not limited to reduction of police court overtime, additional training tailored to specific issues, physical fitness maintenance, continued education incentives, shift and assignment rotation, modification of the promotional process, et cetera.—**(SPONSORED BY MS. McDONALD)**

Which was read and referred to the Committee on Public Safety Services.

MR. ONORATO PRESENTED

No. 2570 Resolution transferring $100,000.00 from Code Account 1144, Gas Diesel Oil, Dept. of General Services to Code Account 1148, Automotive Parts, Department of General Services and $50,000.00 from Code Account 1144, Gas Diesel Oil, Department of General Services to Code Account 1150, Outside Repairs-Contracts, Dept. of General Services **(PRESENTED BY MR. O'CONNOR).**

Also.

No. 2571 Resolution providing for an agreement with a Consultant or Consultants for the design and implementation of City-wide training programs for City employees and providing for the payment of the cost thereof. Total cost not to exceed $85,000.00.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.
Which motion prevailed.

Also,

No. 2572 Resolution providing for the issuance of a $3086.00 warrant in favor of St. Joseph's Nursing Home in settlement of claim for accident involving a City vehicle.

Also,

No. 2573 Resolution providing for the issuance of a $5940.00 warrant in favor of Tish Corbett in settlement of claim for property damage due to a water line break.

Also,

No. 2574 Resolution transferring from Code Account 53-1, Debt Service-Stadium Authority, Department of Finance, to Code Account 45, Health and Life Insurance, Department of Finance, the amount of One Million Dollars.

Also,

No. 2575 Resolution transferring from Code Account 200, Municipal Obligation for Non-City Water Agencies, Department of Finance, $200,000, and from Code Account 1, Interest on Bonds, Department of Finance, $75,000, to Code Account 46, Judgments, Department of Finance, the aggregate amount of $275,000.

Also,

No. 2576 Resolution transferring the sum of Fifty Thousand Dollars

($50,000) to Code Account 1042, Department of the Mayor, City Information Systems, from Code Account 1043, Miscellaneous Services, Department of the Mayor, City Information Systems.

Also,

No. 2577 Resolution providing for new and/or existing agreement(s) and/or contract(s) for the provision of analysis, design, development, programming and/or training services in conjunction with the feasibility, development, enhancement or implementation of the City-wide financial system for various City Departments. Cost not to exceed $80,000.00.
Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2578 Resolution providing for a contract or contracts, or the use of existing contracts, for concrete replacement at various locations throughout the City of Pittsburgh at a cost not to exceed Two Hundred Thousand ($200,000.00) Dollars, chargeable to and payable from Code Account 3-01-01-0010-95.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

THE CHAIR PRESENTED

No. 2579 Petition from the African-American Workers Union requesting a public hearing to conduct a "disparity study" by City Council.

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2580 Communication from Jacqueline Morrow, City Solicitor, submitting the quarterly report of the settlement of small claims, not to exceed $750.00, from the Third Quarter of 1995, payable from Code Account 1801, Petty Claims. Also, a quarterly report of the settlement of claims in excess of $750.00 from the Third Quarter of 1995, payable from Code Account No. 46, Judgments.

Also,

No. 2581 Communication from Paul Hennigan, Director, Department of Finance, submitting a report of deposits and the market value of securities pledged as collateral by City Depositories as of August 1995.

Which were read.

The Chair:

We need a motion to receive and file the last two Read and Adopteds

Mr. Udin:

So moved.

MR. HERTZBERG seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you. That concludes our Presentation of Papers. Under matters of Unfinished Business or Reports of Special Committees, any matter to be brought before the body at this time? If not, moving to Reports of Committees. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. Just briefly. On the cable issue. On November 13th, the Cable Advisory Board is holding a public hearing, that's a Monday evening, I believe it is at 7 o'clock, as a two-year review of the City's contract with TCI, the City's franchise with TCI. All members of the public are welcome to attend and to give their comments about TCI's rates, service, or any other business, and I would like to invite the public to do that. Also, all Members of Council are invited. That's a Cable Advisory Board Meeting, right here in City Council Chambers on Monday, November 13th, at 7 o'clock. Is that right, Linda, is it 7 o'clock? Yes. Thank you.

The Chair:

Very good. Any other matter? Hearing none, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2582

Report of the Committee on Finance and Budget for October 11, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2530

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of $4,980.00 for replacement of a damaged image laser printer, chargeable to and payable from CCIISP, Department of Public Safety, Bureau of Police."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No 2537

A Resolution entitled, "Resolution transferring the sum of $500.00 from Code Account 1016, Salaries, Regular and Temporary Employees, Mayor's Office, to Code Account 1016-1, Premium Pay, Mayor s Office."

Which was read.

Also,

Bill No. 2542

A Resolution entitled, "Resolution transferring the amount of $17,000.00 from Code Account 1001 (100107), Salaries, Regular Employees, City Council, to Code Account 1001-2 (100123), Salaries, Wages and Services of Council, City Council. **(SPONSORED BY COUNCILMAN SALA UDIN)"**

Which was read.

Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2583

Report of the Committee on Public Works, Water and Environmental Services for October 11, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2516

A Resolution entitled, "Resolution granting unto 1100 Smallman Street Company, 5830 Ellsworth Avenue, Suite 300, Pittsburgh, Pennsylvania, 15232-1779, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, an entrance with landing and steps on a portion of the right-of-way on Smallman Street in the 2nd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2517

A Resolution entitled, "Resolution vacating a portion of Hampton Street between Winterton Street and Pontefract Way in the 11th Ward, 7th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2584

Report of the Committee on Parks, Recreation and Youth Policy for October 11, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2508

A Resolution entitled, "Resolution transferring the amount of $20,000.00 from Code Account 1801, Miscellaneous Services, to Code Account 1800-01, Premium Pay, all in the Department of Parks and Recreation."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2585

Report of the Committee on Public Safety Services for October 11, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2531

A Resolution entitled, "Resolution providing for a contract or agreement to purchase nitronox field units for the Bureau of Emergency Medical Services, Department of Public Safety. Total cost shall not exceed $22,500.00, chargeable to Code Account 1423, Equipment."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 2586

Report of the Committee on Engineering and Construction for October 11, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2507

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan revision for Washington's Landing Housing located on Washington's Landing (Herr's Island) in the 26th Ward of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, any matter to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

We will go right down the row here. Councilman Onorato, Councilman O'Connor.

Mr. Onorato:

Yes, I first want to make a motion for a public hearing to be held regarding Tenant Council's election in Northview Heights and the role that HUD is playing. Before I ask for a second on that, let me just point out that I was at a meeting as the independent observer, along with several other observers, and there were at least 90 people at this meeting, and I could say, over half of them requested the public hearing, and I told them I would save them the trouble of going out and getting petitions and just make the motion today. So, if I could have a second on that, I would appreciate it.

MR. UDIN seconded the motion.

The Chair:

It has been moved and seconded. Is that a televised public hearing?

Mr. Onorato:

Televised, too.

The Chair:

Very good. Any other discussion.

Mr. Onorato:

And discussion on the motion now.

The Chair:

Councilman Onorato.

Mr. Onorato:

Mr. President, real quick. You might have read in some of the local

papers today. It is a very complicated issue, but it really comes down to one important issue, and that is the integrity of the electoral process. And no matter what you read or hear, I am not taking sides of either group up there, all is I want to make sure is that the names that are on the ballots remain on the ballots and that there is a true observer of the election and whoever wins would be the recognized group. But, there is a lot of shenanigans going on and there is the possibility that names are going to be petitioned to be removed. And, I have to admit, with the history of HUD locally, I am very concerned, because they have played a role, a critical role in disrupting the neighborhoods in an electoral process. And, I noticed in a quote in today's paper from HUD, they said I was being unrealistic because they do not have the manpower to observe an election, yet at the same time it was there letter and local HUD that directed the Mayor and directed Stanley Lowe and the Housing Authority and told them who they have to recognize and how to run this election. On one hand they are dictating what to do, on the other hand they are saying they don't want to monitor it. You can't have it both ways. All is we want to make sure is that it is a fair election.

And, I think a public hearing is important because I would like to bring my colleagues up to speed on what is happening because there is a good chance I might be coming forward with some legislation directing our Law Department to help us and fight HUD if they refuse to help us. Thank you.

The Chair:

Thank you very much. Look forward to the public hearing.

I just want to make it clear, as Vice Chairman of the Board of the Housing Authority. We have been proceeding over the last year with some very important community-based elections, I know Councilman Udin participated in an observer status within his own community, and I think it has proceeded well. There is a very clear, not confusing, legal stipulated guideline by HUD relative to what those election procedures should be, and it is up to the Board of the Housing Authority of the City of Pittsburgh, not to recognize or give credence, or credibility to any election procedure that generated some bogus election. And, that is not going to be the case, at least not while I am on the Board. I think I have expressed that in the past regarding the Northview Heights situation. If there is going to be indeed an election November 30th, or whatever the date is, it has to be per the HUD stipulated guidelines, and it appears, at least on the surface, from what I have been hearing from the community, that that is not the case right now in the Northview Heights situation. And, if that is the case, that it's not being followed appropriately, then I for one on the Board will not move to recognize as credible any such election.

So, I look forward to the public hearing, I don't know if it's going to help or hurt, but I think it can only help hopefully to clarify this situation and make it sure to HUD that we have a bona fide Board here, corporate Board of the Housing Authority, and we have a precedent where a number of other neighborhood groups have gone through

the election procedure based on a specific HUD Circular guideline that this Board of the Housing Authority is following.

It appears as though from your comments in the paper and my conversation with you, that that is not being followed in Northview Heights, and if that is the case, then it is incumbent upon the Board of the Housing Authority not to recognize any such election and do whatever we need to do to impress upon --

Mr. Onorato:

I appreciate that.

The Chair:

-- or any other authority. You certainly have my commitment relative to that.

Mr. Onorato:

And, I just want to add, just to give my colleagues a taste of what happened. Being the independent observer, I was shocked on what I observed up there, especially all of us being elected officials and believing in the integrity of the electoral process. There were bylaws handed out, and I would just like to read three sentences in these bylaws, it's unbelievable. This was handed out as the rules for this election, that I was told HUD sanctioned, along with the current power that have the Chair, any person/tenant of Northview Heights community that is or has had any affiliation with any organization that represents a conflict of interest to the purpose of this organization, cannot hold any position or office on a board or committee within Northview Heights Tenant Council, Incorporated, or the community for the duration of their tenancy in Northview. This goes to free speech. What they are saying is you can't criticize somebody that's in office because you will then not be allowed to run for office or hold office, and if HUD is sanctioning this -- if I am not mistaken, Mr. Cisneros was accused about a year ago in California of trying to prosecute individuals that criticized what was going on in public housing. Well, they better wake up down there, just because you live in public housing doesn't mean you give up your right of free speech. We are allowed to criticize anyone and anyone is allowed to speak out and not be punished for their freedom of speech. And, this clause was just outrageous. And, this was just one example of what was happening that night, and somebody tried to question this and they ruled out of order and the meeting was adjourned immediately. So they would not answer this.

So that gives you an idea of what I observed, and I just want to get to the bottom of this because it is very scary what is happening. We have a community with almost 3,000 people, and all of you know the hundreds of thousands of dollars that go through these communities and the Tenant Councils play a critical role of how it is spent, and I think the Tenant Council has to have legitimacy of the majority in that neighborhood or nothing is going to happen.

The Chair:

Councilman Udin.

Mr. Udin:

As you know, Mr. President, the Sixth Council District contains the

majority of public housing in the City of Pittsburgh, and we recently underwent two difficult elections, one in Allequippa and one in Bedford Dwellings, but they came out victoriously because there was an independent committee that controlled the election process and assured a fair and just election.

The history in Northview Heights is such a long and contentious history and unity within that community is so important, not only for that community but it is also important to the other public housing communities around Pittsburgh who look forward to their membership and their leadership within the public housing community in Pittsburgh. There are so many important decisions that people who live in public housing in Pittsburgh have to make that we just cannot afford to allow this almost contrived and deliberate confrontation between these communities to continue.

Now, I have to say that in defense of HUD in the examples of Bedford Dwellings and Allequippa Terrace. They played a very constructive role, they played a helpful role, and I think that if people are able to sit down and talk in a non-confrontational setting, I think that they can and will play a constructive role in this situation.

I am not a member of the council district of the Northview Heights community, but if there is anything that myself or any of the other Six Council District Tenant Council Presidents, I think, could contribute to this process that would be healing and helpful, I am sure they would be willing. It is a very important community and I would surely hope that it is finally resolved and we can all unify behind the leadership that that community selects.

The Chair:

Thank you, Councilman. I will provide each Member with a copy of the HUD Circular explaining the specific procedures and the criteria that is to be used relative to both the nomination process, the election process, the issue of the independent observer, and things of this nature. It is clear already from what I have read, and have been informed by my colleague Mr. Onorato, that these procedures are not being properly followed, the bylaws are just one example. Former employees currently involved in litigation, is not – good, bad, or indifferent, is not considered an independent observer. There are a host of resources out there, whether it be the Pittsburgh Mediation Center, or as Councilman Udin spoke about, others that have been requested for support in other contentious elections in Council District 6. So, we know how to do it. And, this is a kind of situation where we have got to move on. I mean it is just depressing, and we have spoken about this at the Housing Authority Board Meeting, at a time when we are even questioning about whether or not we are going to exist in terms of federally funded support, we still have these kind of Mickey Mouse arguments going on in the community, and if we can learn one thing about yesterday's theme from the march, let's try to get focused on what the important issues are right now confronting our communities, and I would hope that some of that spirit will go up in the Northview Heights from yesterday and start – kind of get the eyes woken up a little bit, because we may very well not have publicly supported housing in this

country in the next year and a half and we are fighting a ridiculous battle based on the call to the personality up in Northview Heights, and it is just mind boggling. We need to move on. And, I can assure you the Housing Authority Board is not going to recognize any bogus election up there, and it is clear that that is what we have so far.

Councilman.

Mr. Onorato:

First I want to thank Councilman Udin for his offer, and hopefully through the public hearing, if any individuals from some of the tenant organizations that he represents, they might want to at least come down here and observe the public hearing to hear what is happening.

But, I want to point out, too, obviously he and I differ on the rule of HUD and our experiences with HUD. But, I did call on Mr. Ed Moses, the Deputy –

The Chair:

Well, I think the Councilman made the point that at HUD in the two elections they were constructive and helpful.

Mr. Onorato:

I understand, and I am saying my experience so far has been total destruction on the North Side.

The Chair:

I understand.

Mr. Onorato:

I talked with Ed Moses, the Deputy Assistant Secretary of the Office of Community Relations' involvement with HUD in Washington, D. C., he said on the phone to me that the clause is blatantly unconstitutional and should be removed. I also have been talking with Paul LaMarca, and I sent a letter to Paul LaMarca yesterday detailing the three particular problems that I observed, the one I already commented on, but the other one, they were going to use independent election machines, which we are all familiar with, but there was supposedly a subcommittee that agreed to not only eliminate the machines, they are now going to vote with paper ballots in a box held in one of the persons running for office –

The Chair:

No, that's just not going to happen.

Mr. Onorato:

That's where she is going to maintain the election. And, on top of that she was allowed to chair the nominating committee that put the names on the ballot instead of an independent observer.

These were just some of the things I observed.

The Chair:

I understand.

Mr. Onorato:

The letter went out to Mr. LaMarca, I cc'd in Mr. Moses, I cc'd in Mr. Stanley Lowe, and I talked with all

these individuals over the last week trying to get cooperation, and I have to say I am very disappointed, I even talked with a Jacqueline Thompson of the local HUD Office, asking the day of the election to send a local HUD person up there just to observe it with me, and they did not do it, they would not send a local representative and they would have seen it for themselves.

The Chair:

Well, we look forward to the public hearing and we will be addressing that.

Mr. Onorato:

And if you could have that as soon as possible, but the election is scheduled for November 30th.

The Chair:

We will schedule it as soon as we can legally meet the public notification requirement.

Mr. Onorato:

Thank you.

The Chair:

Thank you very much. But, I would communicate this discussion to Director Lowe just so he is apprised, obviously he knows a little bit about it. And, I will provide all colleagues with a copy of the HUD Circular so you understand how we have been conducting these elections out in the various public housing communities. And, this is not rocket science, I mean there's a good way to do it and apparently it is not happening in Northview Heights for whatever reason.

Councilwoman McDonald.

Ms. McDonald:

Yes. Thank you, President Ferlo.

I wanted to introduce a bill that I would ask to be introduced under the Public Safety Committee for discussion at next week's -- Wednesday's Standing Committee Meeting, and this is a new one, and then I will discuss another bill but it won't be a bill, it will be an amendment, tomorrow.

But, first, for the new bill, I would just like to read, and I think it is very self-explanatory. The bill reads as such:

WHEREAS, the City of Pittsburgh is experiencing a significant shortfall in the overall budget, amounting to millions of dollars for operating expenses.

WHEREAS, the Mayor is the sole bargaining agent for the City of Pittsburgh for the Collective Bargaining Agreement between the City and Fraternal Order of Police, Fort Pitt Lodge No. 1.

WHEREAS, City Council approves the operating and capital expense budgets which are impacted by contractual agreements as well as administrative policy with financial impact.

WHEREAS, City Council Members have received complaints of and recommendations in reform of police policy.

WHEREAS, Administration is in the process of reforming various policies and procedures to reduce the budget deficit and to make the City Court System more cost efficient and more accommodating to civilians.

WHEREAS, the estimated cost in police overtime in 1995, by year end will be seven million six hundred and thirty thousand dollars. Court time continues to make up 50 percent of overtime.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh makes the following recommendations to the Administration to become effective immediately or by January, 1996:

1. Significantly reduce police court overtime by:

a. Scheduling reform, by hiring a calendar control clerk who would be responsible to the Public Safety Director and Public Safety Financial Analyst. This person shall make every effort to schedule police officers for court time during their duty and not on their pass days as has been the pattern.

b. Hiring an individual whose charge it is to review and approve witness lists of the number of officers to appear in court, particularly in evaluating the constable list at pretrial. Which is a subpoena list.

c. Limiting the number of evidence custodians to one or two per case or investigation.

d. Eliminating Traffic Court appearances and possibly having a stand-in officer as a full-time liaison.

e. Expanding Traffic Court hours to accommodate the officers' working hours. And I assume it would be for civilians working hours as well.

f. Officers must call the Calendar Control Clerk to request a continuance instead of physically appearing to request a continuance, and thus incurring overtime.

g. Considering contractually negotiating a lump sum payment for court appearances for the year, as is done in other major cities, to better budget and control costs.

2. Require additional training tailored to specific issues and beyond the minimum requirements.

3. Provide incentives for police officers to further their education and obtain advanced training.

4. Require yearly physicals at no cost to the employees, and mandating a feasible set of fitness requirements. A fitness requirement would reduce the number and nature of job-related injuries, and thus overall City cost.

5. Which is controversial. Require yearly random drug testing via urine specimen.

6. Reevaluate how often police officers and supervisors are stationed and rotated by assignment, to assess the needs of becoming familiar of the community served, thus making Community Oriented

Policing a department wide attitude, balanced against burn-out and becoming too comfortable in one setting or assignment.

7. Allow commanders to have more control of their budget and encourage reducing wasted cost.

8. Substitute civilian clerical workers to process paperwork instead of police officers, in order to allow for greater deployment of those patrol officers.

9. Delineate specific disciplinary actions that will be taken for violations of Police Code of Conduct and operating procedures. The disciplinary process should be administered in a manner which is more consistent, less subject to challenge and less likely to result in no discipline or discipline far removed in time from the conduct which is the subject of the discipline. The discipline system should also require greater accountability for why discipline is or is not administered in each instance of a complaint or problem.

10. Modify the promotion process to give more weight to performance ability and demonstrated leadership qualities, and less weight to an examination score.

11. Establish a Special Events Task Force within the police force. These officers should receive specialized training to better manage large concert events, large sporting events, and community-wide demonstrations.

And, lastly. 12. Annual performance evaluations are to be performed by the Commander, as well as an employee self assessment and long term goal setting for that employee.

This legislation is being introduced not really to be in controversy but to have the proper reforms that are needed within the police ranks.

Why is this being presented? Many reasons many of us know, especially in Executive Session when we discuss dollars, hundreds of thousands of dollars being allocated -- not being allocated, but being spent to settle court cases, litigation, in response to an officer's police misconduct and the City has to pay for it and the million dollar question is, what happened to the officer? And, nine times out of ten the answer that I've been given is, none, no disciplinary action.

When I read into the manual as to, well, do officers fully understand if you have verbal abuse, if you use excessive force, if you violate a Code of Conduct of your professionalism, what happens? And, the answer is, there is no delineation, there's none, it is a very capricious process. The only thing that is guaranteed to police officers as a protection to them is the grievance process, which no one will buck that, that is their right to have protection so that they can get fair treatment. But, as far as the management's problem is, well, what is discipline; when is it administered; what violations get the most heat? No one knows.

We all talked about, and Councilman Udin, very eloquently, the four female detectives who were basically first fired -- not all four -- but, fired because of overtime cards being submitted improperly, and yet I see major violations,

I mean major violations and which we have spent big bucks to settle litigation.

So, the question is, there's no discipline, there is discipline, it's just not consistent, and I am saying to Administration that we do need to have more consistency in our disciplinary process.

And, the overtime thing is self-explanatory. Close to eight million dollars by the end of the year. As of September 10th we have spent almost three million dollars in overtime, and I am just recommending to Administration through some of the pilot initiatives they have already gone through, is to keep it up, we have to get a hold on our expenditures and no one is entitled to excessive overtime. This is not an entitlement, this is something that is made available to make sure that officers are properly compensated but it shouldn't be put in a manner where people think they are entitled to it automatically.

What really prompted me to really get into this overtime thing is when I had an officer, and he is a rookie, just been out there, and he told me, hi, I'm so proud to be a police officer but I can't wait to get that court overtime. This is what he told me, he can't wait to get court overtime, and I'm curious what efforts he is going to make in terms of ticket writing or whatever to get that court overtime.

So, it is not something that you should go after for money, and this is the problem that we are having, and this is basically a crux of why I am even bothering to introduce this legislation. Yes, it's controversial, no one is comfortable with it. But, if we don't get out of that state of denial where nothing's wrong, we can't do anything. I've never – I can never fully understand why people say we can't do anything, we don't have a choice. When at home the message is, you always have a choice, it is just the matter of, are you up to the bat to do something about a situation. You always have a choice. And, right now we are faced with a choice. Do we want to continue to hear the complaints, to hear the problems.

This legislation is not going to affect the absolute overwhelming majority of our police officers. Most police officers do not abuse their Code of Conduct, most of them are quite professional, most of them I'm just glad to see them out there. I am proud of them, but we have a few bad apples that are just making it bad for everybody else, and then the whole police force is criticized, the absolute whole police force.

So, this legislation is going to get to officers who feel that they have gotten too comfortable abusing certain systems, have not been held accountable, have gotten away with too much. It is not going to affect the total police force.

And, to tell you the truth, this legislation was built in in talking with officers who also feel reform is necessary, absolutely necessary because it is not going to affect them. It may affect the bad apples but it is not going to affect the absolute overwhelming majority of our police ranks.

So, again, I would just ask for this to be introduced. I look forward to the discussion next Wednesday on this, I'm sure it will be a lively one.

And, lastly, I also was going to introduce a bill but instead – it concerns police sensitivity training, we will discuss it tomorrow. Councilman Cusick had the leadership, along with Councilman Udin, to introduce legislation addressing training of police sensitivity, long overdue in our ranks.

What Councilman Cusick did is, he wasn't rebuffed. I have to take issue with Councilman Udin and Cusick's legislation, it really wasn't rebuffed. Councilman Cusick was aware that I had done a lot of investigating, a lot of research as to what would be good training, what is done now, what needs to be done, and I even whispered over to Councilman Cohen, who also was aware that we need to get adequate training, how is it going to be done. It was Councilman Cusick who politely tabled his legislation so that I could bring something forward that was broader based.

So. it was basically a very nice gesture for me to be able to introduce a slew of amendments. So, what I am doing is I will introduce this tomorrow as an amendment by substitution. And, I have talked with Councilman Udin and Councilman Cusick, who, again, are very forthright on this, I want them to keep that on the table, to keep their bill on the table, and I will just simply amend by substitution.

And, again, I appreciate the gesture that both of them afforded me last week, so we'll all be sponsors on this.

The Chair:

So, just to clarify, the initial bill you spoke about that has been introduced today by yourself, will come up next Wednesday; the latter bill that you just spoke about, you'll untable Mr. Cusick and Mr. Udin's bill and then move to make this motion by substitution?

Ms. McDonald:

Yes.

The Chair:

Thank you. Usually we don't discuss the actual bills when they are being introduced but if you want to continue the discussion. Councilman Udin had his hand up.

Mr. Udin:

Well, just to point out that in the Sixth Council District, we have a complex dilemma regarding the police. On the one hand, we rely on the police very heavily. Many people in the district feel imprisoned and terrorized by a lot of the criminal activity that happens in the district and rely on the police for protection, and so the police are very important in that regard. On the other hand, our district is probably the source of some of the most frequent complaints of police abuse. So, we, the leadership, and Council, have a delicate balance to try to juggle, and hopefully this legislation that Councilwoman McDonald has introduced will open up an important dialogue on how we are going to manage the police force in this City. And, I would hope that all partners in this dialogue, Council, the Mayor' Office, the Police Department, the F.O.P., interested community organizations, will all see this as a way of improving a very important institution that plays a very vital role, especially in my

community. And, the better managed and better run and better trained the Police Department, the more beneficial they will be able to serve all communities.

And, I want to thank Councilwoman McDonald for introducing and opening the dialogue.

Ms. McDonald:

And, I may want to say, Councilman Udin was out of town at the Million Man March yesterday, thank you very much for your attendance there, I am very proud, but he wasn't available for me to discuss this with him beforehand, otherwise we probably would have co-sponsored this. Because, again, yes, his district is very similar to mine in terms of the need for police protection and the professionalism but we want to make sure that it is administered evenhandedly.

So, I look forward to discussing this. And, also, this is not just my bill, I would like for it to be all of Council's bill; in fact, I was looking for people to have this co-sponsored yesterday but no one was around, and like I said, that's a problem. But, yes, Councilman Udin was busy. So, thank you.

The Chair:

Just in response to one thing, Councilman Udin. We as a legislative body don't actually manage the police force, as you know.

And, I look forward to the discussion on the resolution; however, I do think that a lot of the Bill of Particulars you read off needs to be the context of a formal budget discussion, both within Public Safety/Police Bureau, Public Safety/Admin., as well as within the Magistrate's Court. I think you have given kind of a laundry list of different issues that I believe the Administration had been working on to some extent.

I think the budget proceedings coming up in just a few short weeks, I think, provide a good framework for some formal discussion, rather than us just passing the resolution; it may pass and we're not clear what the outcome is going to be. So, regardless of the discussion next Wednesday, I hope that the respective chairs from the various committees, especially Councilman Cohen in Public Safety, I think there is a good outline here to have the context of the discussion with the Administration on the management issues in the Police Bureau.

Councilman Cusick, is this on the same issue?

Mr. Cusick:

Yes, it is. In regards to the diversity – the cultural diversity training, I just want to thank you for your amendments and I look forward to the dialogue at tomorrow's meeting.

I would like to just make a brief comment in regards to an article last week and I take special exception to, it was written by Mr. Belko in regards to the piece of legislation that I offered in regards to this issue, and the article stated that I was – or this body did not support my legislation, and I just want to say that that was not the case. I was never contacted by the Post Gazette or Mr. Belko to respond to any of why I did what I did in tabling the bill last week. This Council

I think very much supports some type of training, that our police receive some type of additional training and I think it was just very irresponsible of Mr. Belko to even – for not contacting me before going ahead and writing the article he did and making this body look as though it did not want to do anything in regards to this issue.

So, I just wanted to state that.

The Chair:

Very good. I thought you were going to put a plug in for the Tribune Review or something.

Councilman Cohen.

Mr. Cohen:

I also want to commend Valerie McDonald on her hard work in putting these two bills forward, it obviously shows a great deal of investigation and work on it, and I am sure that it will lead to a spirited discussion, both in the regular Council meetings but also in the budget hearings, I think that this will really kick that off.

I have another issue, Mr. President, if that would be in order.

The Chair:

Very good.

I would also ask, though, that some of the issues – you know, we had begun to discuss some of the issues in the budget, some are meetings, and I would ask that the Budget Officer also be present relative to some of this discussion, in addition to the management of the Police Bureau folks.

Councilman Cohen.

Mr. Cohen:

Thank you. I would like to make a statement about a specific case, and that is the Jonny Gammage case. As Public Safety Chairman on City Council, I am calling for a full and complete investigation of all police officers involved in the tragic death of Jonny Gammage. Even though his death did not occur in the custody of the Pittsburgh Police, it did occur in the City of Pittsburgh and we now know from the Coroner's report yesterday, the Assistant Coroner's report, that Mr. Gammage died of pressure to the neck and upper chest; in other words, he died of strangulation or suffocation. Pittsburgh Homicide officials must conduct a thorough investigation, along with Federal officials of everyone involved in this case, including Brentwood, Whitehall and/or Baldwin Police Officers. If, and I do repeat, if, it turns out that this young man was the victim of criminal behavior, murder, then those responsible should be prosecuted to the fullest extent of the law. And, I also urge, and we have no legal authority over them in this instance, but I also urge the officials of Brentwood, Whitehall and Baldwin to suspend these police officers involved until the investigation is completed.

I want to know exactly what happened in the early morning hours on Saw Mill Run last Thursday. I don't want to see anything swept under the rug. If we as Public Safety officials are to maintain the public trust, then we must earn that trust, and that means standing for tough

justice against all criminals, no matter what side of the blue line they're on.

So, I want to commend the Pittsburgh Homicide and the Federal F.B.I. officials for stepping in to investigate, and I look forward to a full and complete investigation of that case. We have got to get to the bottom of that tragedy.

The Chair:

Yes. Thank you very much. I would like to suggest, however, as to kind of embellish your point, I think we should form -- and I know I read in the paper this morning that the F.B.I. had initiated some activity. I would like to go on record and ask that we formally ask both the U. S. Attorney and the F.B.I., as a matter of public request, for a formal review and investigation report back.

I am not going to make any characterizations about what happened, I don't know, but obviously it is an extremely alarming and upsetting situation that occurred. And, you made a comment about whether or not our City Police were or were not involved, I really don't know the answer to that question. I read some articles, I don't know if those questions have been asked or if they have been answered. It was within the City Municipality boundaries. I don't know who was present, I don't even want to characterize whether or not our officers were or were not present.

But, I think the whole aura, what has happened, and just the prima facie situation we are dealing with right now, I think it is very important that we ask for a formal review in addition to and outside of our own Homicide Bureau. I realize they have a responsibility but I think, quite frankly, we should ask for a formal -- we should back up the F.B.I. and ask for the formal review, and I also think we should communicate directly to the U. S. Attorney. I think there are too many instances that have happened in our City, unfortunately, over the last many years, and I do not want to have to recount all the incidents that have come up, but this is just a really bad situation. I am very skeptical about some of the police conduct in some of these smaller boroughs and municipalities and I just do not want an "old boy" network to be working out there, to be quite frank. And, I would ask that we formally do what you have suggested --

Mr. Cohen:

Yes. I base my discussion about the outlying bureaus on the reports that have come in, none of those reports have said that Pittsburgh Police Officers were involved, but obviously the investigation should cover everything, every fact, uncover every stone, every piece of evidence.

So, obviously I did not want to exclude Pittsburgh Police Officers if they were, in fact, involved, but we have no reports that they were involved.

As far as making a formal request, I would like to do that. The F.B.I. -- my understanding is the F.B.I. has stepped in and started an investigation but I think we should call -- make it a formal request and call on the U. S. Attorney's Office to handle this investigation.

So, I would like to make that as a motion.

The Chair:

Is there a second?

MR. CUSICK seconded the motion.

The Chair:

Any other discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Other comments?

Why don't we formally ask for a resolution. I know Councilman Udin had circulated this letter, the Councilman is requesting to be an appointed representative from the legislative body to the Youth – the Crime Prevention Council, chaired by our U. S. Attorney Mr. Thieman and our Mayor, and I would like to ask in addition to this letter from Councilman Udin, we just do it by formal resolution, so that there will be a formal communication.

Mr. Udin:

So moved.

MR. COHEN seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

We will communicate formally the request.

Any other matter to be brought before the body?

We have a public hearing this afternoon regarding the ALCOA site to discuss the Tax Increment Financing District.

If there are no other matters, we need a motion to adjourn the Legislative Session. Thank you.

And on the motion of **MR. ONORATO**

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 24, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Udin**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Cusick

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very please to have a young student here this morning, his name is Nicholas Neil; he is a Fourth Grader at Grandview School; he is a resident of Allentown; his mom is here, Tammy, and I know Tammy is very active in the Parent/Teachers Organization, as well as many of the neighborhood groups, and they live in Councilman Ricciardi's District.

And, Nicholas is going to lead us in the Pledge of Allegiance. Nicholas.

Nicholas Neil:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Nicholas, you did a great job. Thank you for coming down here. Our Clerk would like to present you with a flag of our country and the flag of our great City. Thank you very much. Thank you.

PRESENTATIONS

The Chair:

We have a number of guests in the audience today, and at this time I would liketo call on my colleague Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

Colleagues, I would like to ask our honored guests today, the Cub Scouts from Pack 572, if they could please come forward.

With us we have Chuck Feldmaier, who is the Committee Chair, also Gary Kuczma, a friend of mine, I went to school with, who is the Den Leader, Joanne Hassett, who is the Tiger Cub Committee Coordinator, and also a mom in the audience, Wendy Collinger-Feldmaier. We are very fortunate today to have these guests that have really committed themselves to public service and service in the South Side area. Thank you.

Colleagues, the resolution is self-explanatory. I would like to read the resolution and then ask Chuck to lead us in the program today. Thank you.

MR. RICCIARDI PRESENTS

No. 2587 WHEREAS, the **Cub Scouts from Pack 572**, sponsored by the Prince of Peace Parish, helped members of the **South Side Community Council Neighborhood Beautification Committee** clean the area around 23rd and Josephine Streets; and,

WHEREAS, the **Neighborhood Beautification Committee** Chair Mike Janesko, along with other committee members and the **Cub Scouts from Pack 572**, have cleared an initial eight blocks of Josephine Street and its underpasses of debris, trees and overgrown weeds to expose the sidewalk and stone trestle wall; and,

WHEREAS, this volunteer project continued every Saturday morning, weather permitting, until this corridor joining South Side's Slopes and Flats was transformed into a "safer and more attractive" walkway for residents; and,

THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates the **South Side Community Council Neighborhood Beautification Committee** and the **Cub Scouts from Pack 572**, for continuing their mission to "cultivate the neglected public green parcels of the South Side to foster community spirit, commitment and pride"; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Tuesday, October 24, 1995, **"South Side Community Council Neighborhood Beautification Committee and Cub Scouts from Pack 572 Day"** in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

You know, colleagues, this was a lot of hard work. This area, this initial eight blocks, was really overgrown with not only debris, but also litter, and these little guys did a lot of work and it took them a lot of time, and we really want to thank them from behalf of Pittsburgh City Council but especially the residents of the South Side.

And, Chuck, I would like you to come forward; if you and Gary and Joanne could say a few words, and also introduce our honored guests here today.

Mr. Feldmaier:

Well, I don't have much to say, except that the Beautification Committee on our Community Council, Mike Milberger, and Mike Janesko, together, come up with some creative ideas and they got a little -- me and my little energetic work force here involved, and these guys went in and they cut some weeds down that were taller than they were, and we got a very nice area now, and we hope to keep it up for the next couple of years any way. Thank you.

Mr. Kuczma:

Gene asked me to introduce the boys that came with us today. We will start right here. Step forward when I call your name. This is Brandon Hassett, Joshua Bierly, Michael Hassett, Alexander Fitting, Daniel Mucello, Benjamin Kuczma, Stephen Feldmaier, Dominic Mucello, Darrin Haid, and we have a couple little boys who were not even old enough to be in the Cub Scouts. This is Andrew Kuczma -- future Scouts, yes -- and Jonathan Feldmaier, and another boy who helped us, my son, Nicholas Kuczma.

Mr. Ricciardi:

Gary, I think you missed a future Cub Scout, right there.

Mr. Kuczma:

Oh.

Ms. Collinger-Feldmaier:

Girl Scout.

Mr. Kuczma:

A future Girl Scout.

The Chair:

Well, we have got two more guys here, let's say hello to them, too.

Mr. Kuczma:

Excuse me, we just had two more boys arrive. These are our Boy Scouts. The Boy Scouts also participated in this. This is Stephen Murphy and Mark Beatty.

Ms. Hassett:

I would just like to say that these kids really did a great job, and I think it is really important this day and age that kids not only take from society but they also give back, and I really believe that they did a tremendous job, and I am really proud of these boys. Thank you.

Mr. Ricciardi:

Also, colleagues, I must say, Ralph Kraszewski from the Department of Public Works really sends his thanks to this Cub Scout Pack, because they have really did a wonderful job.

My next resolution, I would like to ask Nancy Hoff-Barsotti, if she could please come forward. Nancy is President of the South Side Rotary Club and also owns a business on the South Side, Interior Design, I believe.

MR. RICCIARDI PRESENTS

No. 2588 WHEREAS, the **Rotary Club** of the South Side, a service organization whose members include business and professional men and women united world-wide through their humanitarian projects, encouragement of high ethical standards in all vocations and who work towards world understanding and peace, is celebrating its 50th Anniversary; and,

WHEREAS, the **International Rotary Foundation** contributes more than $40 million annually to various educational and humanitarian programs; and,

WHEREAS, the **Rotary Club** on the South Side has previously emphasized youth projects such as summer camperships to Brashear Association's camp, and education and health projects such as scholarships for students in the South Side Hospitals and former St. Joseph Hospital Schools of Nursing, as well as service to the elderly and disabled; and,

WHEREAS, the **Rotary Club** presently shows support for the South Side Meals on Wheels Program, food banks at Brashear and St. Paul's, Brashear's Christmas Toy Drive, the Sudden Infant Death Syndrome Foundation, the Make-A-Wish Foundation, literacy programs and scholarships for high school graduates at South Vo-Tech and the former South Side Catholic High Schools; and,

THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates the **Rotary Club** of the South Side for its outstanding dedication and service to the community for 50 years; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Tuesday, October 24, 1995, **"Rotary Club Day"** in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.
Which motion prevailed.

Mr. Ricciardi:

Nancy, on behalf of the South Side residents and my colleagues, we really want to thank you for all your fine work and all your members that you do in the South Side. It is really noteworthy, all the service and funds you make available to so many social service organizations, and we thank you.

Ms. Hoff-Barsotti:

Good morning, Honorable Members of Council. On behalf of the Rotary Club of the South Side, it is my honor to accept this resolution from the Council of the City of Pittsburgh.

We are very dedicated to the South Side community and it has been our privilege to serve there for over 50 years. We look forward to continuing that service for many years to come. We appreciate the City's support, Councilman Ricciardi's support, in our efforts, and we thank you on behalf of our club and behalf of all the Rotary Clubs in Pittsburgh for your support and your recognition of our efforts. Thank you.

The Chair:

Thank you. Councilman Cohen.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

Mr. Cohen:

Good morning, everyone. Would the folks from Project Bundle-Up, come up please. It is Project Bundle-Up time again. And, Councilman Bob O'Connor is also sponsoring this.

Members of Council, members of the audience here, every year we give a proclamation to Project Bundle-Up and yet it keeps getting better and better every year. As Miriam said, I think this is really the official kickoff of the Christmas shopping season, it is not Thanksgiving or any of those other dates, it is the time that we give the proclamation to Project Bundle-Up. And, what is really terrific about this project is that it reflects Pittsburgh values, it is about neighbors that are helping other neighbors, particularly for needy children. Because as I am sure you all know, Project Bundle-Up provides new winter outerwear for children who are in need, and the success of this project is phenomenal, really nationally known. Every year it serves over a thousand needy children, and I think you have over a thousand adult volunteers who participate. Since 1986 they served 52 thousand children and raised over 2.7 million dollars, because they have to, of course, raise the money to provide this clothing, and it is new clothing for needy children. And, they raise that money through a summer auction and a winter telethon, and the winter telethon is coming up, I believe, on December 9th on WTAE Television, and that is where I want to thank the people who sponsor this: The Salvation Army, of course, who does so much of the work for this program, and also the sponsors, WTAE Television, and WTAE Radio.

So, that having been said, I am proud to read this resolution.

MR. COHEN PRESENTS

No. 2589 WHEREAS, Project Bundle-Up is a joint community service effort of the Salvation Army, WTAE-TV and WTAE Radio that has provided warm winter coats and outerwear to more than 58,500 children and senior citizens throughout Western Pennsylvania since 1986; and,

WHEREAS, each fall season, Project Bundle-Up sponsors Personal Shopping Day, a day when volunteers take children between the ages of 4 and 10 to various stores to shop for hats, coats, scarves and mittens and provide these children with breakfast, entertainment and a goodie bag; and,

WHEREAS, on Saturday, October 28, 1995 at 7:15 a.m., Project Bundle-Up will pair more than 1,000 volunteers with needy children to participate in this fall's Personal Shopping Day at various retail stores throughout the City of Pittsburgh, Allegheny County and Western Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the volunteers of Project Bundle-Up for their important contribution and congratulates them on their lasting success in providing much needed comfort and warmth throughout the winter to children and senior citizens of the City of Pittsburgh and surrounding area; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 28, 1995 to be Project Bundle-Up Day in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS DAN COHEN AND BOB O'CONNOR

MR. COHEN moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you, Members of Council. Councilman Bob O'Connor co-sponsored this proclamation. So, we would like to get him up here to say a few words, and then I will introduce the people who are down here from Project Bundle-Up. Councilman.

Mr. O'Connor:

Thank you, Dan.

I have been involved with Bundle-Up way back before I came on Council, with Roy Rogers and Pappan's; we used to cook for the telethon, donate food. But, it is wonderful to get involved, and I think WTAE and the Salvation Army have done an excellent job, not only raising the money, we always see the telethons, but I know most Councilmembers have been in their neighborhood on this Saturday morning, when you actually go out and see what benefit comes out. Kids get more than just a coat. They get coats, hats, boots, gloves, and your donations really clothe a child for the whole winter. And, when you see their faces and you can actually see what they get, and all the money goes – and a lot of charities have negatives, where does the money go? It is really heart warming, go out Saturday morning and see it. But, I look forward to being their Saturday and I hope everyone can come out. I know most of my Councilmembers or colleagues are usually out Saturday helping.

So, congratulations and please keep up the good work.

Mr. Cohen:

Thank you, Councilman. Now, for the proclamation. All of you I am sure know Miriam May. Miriam is so dedicated to make this project work. And, we also have Brenda Barner and Kutara Best, who are down from Project Bundle-Up. And, I also want to thank C. J. Liss for putting together this proclamation.

Miriam, congratulations. Come on up and accept this proclamation and tell us a few words about Project Bundle-Up.

Ms. May:

Well, really you said it all, Dan.

I would like to say that this year alone, you have helped us all serve 65 hundred additional children and seniors. As all of you know who have gone shopping or will go shopping on Saturday, what a joy and what a special moment it really is for the children we serve. It is not just a coat, it is the whole self-esteem building issue when that child can pick out that winter outerwear themselves. Thank you all again.

Mr. Cohen:

Let me just say one last thing very quickly, and that is that for many of these children it is the first time that they ever get new clothing, and that is really a remarkable thing. So, I want to thank you all, and let's get a picture.

The Chair:

Councilwoman.

Ms. McDonald:

Also, I wanted to thank you for inviting all the Councilmembers. This year was the first year that I actually was involved because of invitation, and I was sitting right beside my colleague Alan Hertzberg at the telethon. It was quite busy, wasn't it? Oh, that was rough. And, this Saturday I will look forward to doing some shopping. It's early, 7:15, but I'll be there.

Ms. May:

Coffee, you know.

Ms. McDonald:

Coffee. I'll be at the mall with my kids, so thanks.

The Chair:

Congratulations. Thank you for the hard work.

Councilman Cohen, I believe you have a couple to be read into the record.

MR. COHEN PRESENTS

No. 2590 WHEREAS, Dance Alloy, under the leadership of Artistic Director Mark Taylor, is Pittsburgh's professional contemporary dance company and will celebrate its 20th Anniversary year of performances and educational activities during the 1995-1996 season; and,

WHEREAS, Dance Alloy provides employment for dancers, choreographers, associated artists and administrators from all parts of the United States and Europe who create and perform new dances; and,

WHEREAS, Dance Alloy School at The Carnegie is Western Pennsylvania's only non-university, professional movement education program which provides instruction to over 1,000 students annually; and,

WHEREAS, the 1995-1996 season inaugurates special educational initiatives between the Dance Alloy School at The Carnegie and the Creative and Performing Arts Schools in the City of Pittsburgh as well as a mentoring laboratory for students in an after school program; and,

WHEREAS, Dancelink, a consortium of nationally recognized dance service organizations from four different states, has awarded a special commissioning grant to Dance Alloy for the creation of a new dance by choreographer Ann Carlson as part of the anniversary season; and,

WHEREAS, as a producing organization the Dance Alloy organization provides access for local and visiting artists to perform in local programs that are presented at alternative sites in Pittsburgh; and,

WHEREAS, Dance Alloy regularly receives funding from the National Endowment for the Arts and the Pennsylvania Council on the Arts and, as such, is annually considered by the review panels comprised of experts from the field of dance, with funding based on criteria of national excellence, and is also recognized as a regional treasure and receives funding from the Allegheny Regional Asset District; and,

WHEREAS, national tours of Dance Alloy bring it into contact with thousands of individuals who are both audience members and students who participate in residency activities in communities outside of Pittsburgh; and,

WHEREAS, movement is a fundamental part of human behavior and Dance Alloy and The Dance Alloy School at The Carnegie provide Pittsburgh with resources that would not otherwise be available to the community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Dance Alloy on its Twentieth Anniversary and congratulates it on 20 years of dance performances and educational activities.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTS

No. 2591 WHEREAS, the Eastside Alliance is a cooperative effort among the Eastside neighborhoods of Bloomfield, Friendship, Garfield, Lawrenceville and Polish Hill; and,

WHEREAS, these neighborhoods are working together to maintain and improve their communities as vibrant places for young and old to live and work; and,

WHEREAS, the Eastside Alliance is a coalition of the following eight community organizations: Bloomfield Blockwatch, Inc., Bloomfield Garfield Corporation, Friendship Development Associates, Friendship Preservation Group, Garfield Jubilee Association, Lawrenceville Development Corporation, St. Francis Medical Center and the Western Pennsylvania Hospital; and,

WHEREAS, the Eastside Alliance was created because each of these great neighborhoods can be even stronger if they all work together.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Eastsider of the Year, Annette Ondo, of the Lawrenceville-

Bloomfield Meals on Wheels for service above and beyond the call of duty; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends and thanks the Eastside Alliance Volunteers of the Year: Ron Collins of the Bloomfield-Garfield Corporation; Lewko Korzeniwsky of the Friendship Development Associates; Ken Stiles of the Friendship Preservation Group; Thea Young of the Garfield Jubilee Association; Annette Ondo of the Lawrenceville-Bloomfield Meals on Wheels; Owen T. Cook of the Lawrence Development Corporation; Joe Stanek of the Polish Hill Project Committee; The Auxiliary of St. Francis Medical Center; Barbara Robinson of Trinity Baptist Church; and Melvin Austin of the Western Pennsylvania Hospital.

SPONSORED BY COUNCIL MEMBERS DAN COHEN AND VALERIE McDONALD

MR. COHEN moved to adopt the resolution

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor, you have a number of guests here.

Mr. O'Connor:

Bob Sprague from Meals on Wheels please come up. Bob is with Lutheran Services, and we will be reading a proclamation for Meals on Wheels, which covers thousands of people in Pittsburgh and it is an outstanding job you all do, and I will read the proclamation and let you say a few words. Thanks for being here, Bob.

MR. O'CONNOR PRESENTS

No. 2592 WHEREAS, Lutheran Service Society/Meals on Wheels is a non-profit, ecumenical social ministry organization whose mission is to provide and assure adequate meal service to the frail elderly, disabled and homebound. Since 1968, forty-five programs in Allegheny county have affiliated with the Lutheran Service Society, serving Approximately 2,500 homebound daily. The Society is affiliated with 72 meal programs in the tri-state area; 45 of which are located in Allegheny County.

WHEREAS, Lutheran Service Society/Meals on Wheels is organizing the Third Annual 1995 "Big Wheels deliver Meals" Campaign, initiated in 1993 in response to a critical need of providing hot nutritious meals to those in need of assistance. The program is currently serving over 6,000 people in Western Pennsylvania.

WHEREAS, Lutheran Service Society/Meals on Wheels' leading priority is to highlight the essential services that Meals on Wheels provides to the homebound elderly and/or disabled in our communities and to enhance volunteer recruitment. Meals on Wheels relies almost exclusively on volunteers. There are over 3,800 volunteers dedicated to Meals on Wheels in Allegheny County.

WHEREAS, Lutheran Service Society/Meals on Wheels' secondary objective includes providing well balanced

meals as economically as possible, human contact through the physical presence of volunteers in the homes of those being serviced; and continuing efforts to deal with the multiplicity of concerns and problems of those in need.

THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh proclaims Tuesday, October 17, 1995, "Big Wheels Deliver Meals Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Bob, do you want to tell us a little bit about Meals on Wheels Day and the program.

Mr. Sprague:

Sure. First of all, I want to thank you, Bob, and thanks to all the Members of City Council, not only for this fine recognition but for your ongoing support. We will be out there today delivering almost 2700 meals throughout Allegheny County alone, and without the partnership of groups like this, it wouldn't be possible.

We started the Big Wheels Deliver Meals Campaign approximately -- well, not approximately, three years ago, to draw attention to the fact that we needed volunteers, and to draw attention to business people and also people like yourselves that would be able to make a difference, that would be able to help us in getting volunteers, 3800 volunteers in Allegheny County alone and probably over 5,000 system wide. That's an awful lot of support that we need out there.

So, anybody in the audience that is interested in volunteering, we would appreciate your help, too.

I just want to say that I think that City Council's efforts go far beyond this proclamation, and I appreciate all their help.

Mr. O'Connor:

Is there a number people can call who may want to volunteer for this.

Mr. Sprague:

231-1540, please. Thank you.

The Chair:

Thank you. Mr. O'Connor.

Mr. O'Connor:

Will the basketball players from Ireland please come up, and all the supporters, the people with them.

This is really an extension of last week's, we had a Russian and Japanese team, soccer and baseball team, and this is the group from Ireland, Sister Cities.

We have Ronan Ryan, Arleen Kelly, Mark Mitchell, and a special thanks to Pat Moore, and my cousin, Mary Kate Barnes, for bringing them over and your activities here. And, I will read the proclamation and then we will let you say

a few words. And, Mr. Evans is here. Sorry, I didn't see you.

I think the co-chairman of this is – Councilman Hertzberg, you are the co-chair of this. Come on up.

MESSRS. O'CONNOR AND HERTZBERG PRESENT

No. 2593 WHEREAS, the Pittsburgh Sister Cities Association in conjunction with USAir, British Air, and the Center for Sports Medicine will be hosting the 1995 Challenge Cup from October 17, 1995, through October 28, 1995. Foreign athletes from Pittsburgh's Sister Cities and twin regions around the world are officially welcomed to the Greater Pittsburgh area; and,

WHEREAS, Ballina Colts Boys Basketball Team who is participating in this years events consists of the following coaches, delegation members and players:

Fergal Mulligan	Gearoid Leonard
Darren Flaherty	Keith Cunningham
Martin Hughes	Mark Mitchell
Ronan McGarrity	Jonathan Hopkins
Aidan Tighe	David Melia
Fergus Foody	Jim Mulligan
James Harrison	Dermot Melia
Ronan Ryan	Pat Foody
Pat Hopkins	Noel Ryan
P.J. Melia	Daniel Cunningham
Billy Lewis	Ivan Mulligan

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes the fine presence of these athletes from our great city and sister cities alike. We look forward to future tournaments planned for 1996; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims October 17, 1995, through October 28, 1995 to be "Challenge Cup Week" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, VALERIE McDONALD, DAN ONORATO, GENE RICCIARDI, AND SALA UDIN

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And I will let the spokesman tell you about their experiences here and what they have done, but I know I was watching the game at the JCC Sunday night, there were a lot of fans on both sides, and I understand you have toured Pittsburgh and we are certainly very proud and happy to have you here. Who wants to talk first?

Ms. Kelly:

I would like to thank all the citizens of Pittsburgh and City Council for helping us on this project, we are really pleased at the turn out of the South Fayette Host Homes.

And, I would like to say that, I started this project as a field placement project through the University of Pittsburgh, where I am doing a Masters

Degree in Community Organizing, that is how I got connected with Balinmough and the Moy Valley to be a Sister Region with the Pittsburgh area.

And, with that, I would like to introduce you to my counterpart in Ireland Ronan Ryan.

Mr. Ryan:

Thank you. First of all, I would just like to thank the Council for receiving us here today. It is an honor for us to be here in Pittsburgh representing Ireland at this prestigious tournament. We come from a small town in the Northwest of Ireland, which is actually the home town of our President Mrs. Mary Robinson and who has sent her blessings for this trip, and we are only here three or four days, we're already having a great time, we look forward to the rest of the week. And, thank you very much.

The Chair:

Thank you.

Mr. O'Connor:

I love that Pittsburgh accent you have there.

Ms. Kelly:

Mark wanted to say something real quick.

The Chair:

Let's get Mark to say a few words, too.

Mr. O'Connor:

Mark, come on up. You're the Captain of the team?

Mark Mitchell:

Yes. As Captain, and on behalf of all the team, I would like to thank the Council today for giving us a tour of this magnificent building today and something we'll remember for the rest of our lives. Thank you.

Mr. Evans:

Once again, I would like to thank the City Council of the City of Pittsburgh for extending their hospitality to these fine guests. I want to present a nifty T-shirt to one of our co-chairs, Mr. O'Connor, and also this is one for Joe Cusick who is not here today, so we want to put it on his desk.

Thanks a lot for Alan Hertzberg's chairmanship of this. And, thanks a lot for all your cooperation. We look forward to many more teams coming from our Sister Cities throughout the world in 1996, and we'll keep you informed. Thank you.

The Chair:

Thank you all.

Mr. O'Connor:

I would like Pat Moore from the steamfitters, who really did a lot of work -- I know some things were pulled together at the last minute, and he lobbied us and worked very hard. Pat, do you want to come down and say a few words about your experience.

Mr. Moore:

Bob, I would like to thank yourself, Joe Cusick, the entire City Council, everybody in town that I have dealt with has been amazing. I mean I have slack jaw through this whole thing. Everyone I have approached and asked for anything has come through with 200 percent more than I even hoped for, and I cannot say thank you enough to everyone. There are some very good new friends for the City, I hope to have them back on a regular basis, and anyone from Pittsburgh will get a grand welcome in Mayo if you ever choose to go there. Thank you.

Mr. O'Connor:

Mary Kate, come on, do you want to tell us – do you have an event coming up Thursday for the kids? This is my older cousin.

Ms. Barnes:

Six months. Six months. Right.

Mr. O'Connor:

I have 33 cousins and –

Ms. Barnes:

He does have 33 cousins.

We had a very short notice on this. We were supposed to have help from the Piranha and they folded, and then "Baldy" Regan was supposed to come through with a lot of things for us, and, of course, his untimely death. But, we called the kids and said, maybe you couldn't come, and their little hearts were broken, they had raised money in Mayo, a very poor rural area, and they had worked very hard to get over here. So, we decided to just go ahead and see what we could do. So, instead of getting one or two people with big money, we decided to get a lot of people, giving a lot of little contributions but a lot of help. And, immediately I thought of my cousin, got him on the phone right away. And, everything has worked out. But, the kids are just having such a wonderful time and they love this City. They were very impressed with your beautiful building here and your skyscrapers, it is all very new to them, they just love it, they can't wait to come back, and they are going to take lots of tapes home to Ireland. Thanks, Bob.

Mr. O'Connor:

Thanks for coming down.

The Chair:

Thank you all and congratulations. Welcome.

Let's see, who's next?

Hey, Valerie. That was the Post Gazette editorial I just crumpled up there.

We have special guests in the audience today, and Councilman Onorato for Councilman Cusick.

Mr. Onorato:

At this time, if we could have Monsignor Rooney, Sister Rooney, Sister Michelle, Janet Sally, the Principal of St. Catherine's of Siena, and all of the students that are here from the school, come on forward at this time. And, Cathy Feeney from Councilman Cusick's Office,

please, stay up here and join us. And, as they are walking forward, Councilman Cusick called and sends his apology, he could not be here. This school is in his district. But, the awardee today, or the person to be recognized, has strong Northside ties, and I am glad I can participate in the proclamation, especially since we share the same grade school, Annunciation, a few years apart, not many, just a few years apart.

I will read the proclamation and then we will hear from our guest.

MR. ONORATO FOR MR. CUSICK PRESENTS

No. 2594 WHEREAS, Sister Frances Rooney was the fourth and youngest child born to Mary and Frank Rooney of German and Irish descent with sisters Mary Glenn of Bellevue and Betty Froelich who passed away in July 1994 and eldest brother Msgr. Francis J. Rooney, a retired priest of the Pittsburgh Diocese; and,

WHEREAS, Sister Frances was born and raised in the North Side of Pittsburgh, and attended Annunciation Parochial Grade and High School where she was taught by the Sisters of St. Joseph; and,

WHEREAS, after she graduated high school Sister Frances entered the Community of the Sisters of St. Joseph in Baden on September 8, 1945; and,

WHEREAS, Sister Frances received her college degree from Mt. Mercy and Duquesne University; and,

WHEREAS, Sister Frances taught first grade in various schools including St. Veronica's in Ambridge, Assumption in Bellevue, Holy Name in Duquesne, St. Canice in Knoxville and St. Thomas More in Bethel Park; and,

WHEREAS, in 1964 Sister was sent to Catholic University where she received a Master's Degree in Catechetics; and,

WHEREAS, Sister Frances served as Catechetical Administrator at Christ the King in Ambridge for 12 years, at St. Columbkille in Imperial for seven years and now at St. Catherine of Siena in Beechview for 10 years;

WHEREAS, Sister Frances was named "Woman of the Year" in 1974 by the Ambridge Area Jaycees for her help in beginning the "Meals on Wheels" program; and,

WHEREAS, Sister Frances serves as chaplain of the Ladies Auxiliary of the Ancient Order of Hibernians; and,

WHEREAS, Sister Frances is celebrating her golden jubilee, 50 years of service to the church for the Pittsburgh Diocese and the residents of the city of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate and honor Sister Frances Rooney for 50 years of dedication to her church and our community.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, October 24,

1995 as Sister Frances Rooney Day in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

Sister, on behalf of Councilman Cusick, and all of our Members here, congratulations. Say a few words.

Sister Rooney:

I just want to thank the Council for honoring me as I celebrate 50 years as an educator in the service of the field of education. I accept this award in the name of all the sisters of St. Joseph who have taught in the City of Pittsburgh, and I hope to continue for many more years. Thank you.

The Chair:

Thank you.

Mr. Onorato:

Monsignor, would you like to say a few words?

Sister, we have something else for you here. We would like to have the Principal come forward, too, the Principal of St. Catherine's, Sally, Janet Sally. Please.

The Chair:

Good morning.

Ms. Sally:

Good morning. It is nice to be here. I thank you for the opportunity to let our students, our student council come watch the City Council in operation. And, I want to tell you how pleased we are that Sister Frances has been honored today, she is a wonderful role model for all of us, and I thank you very much.

The Chair:

Thank you. Thank you, Sister, and congratulations. Monsignor, good morning. Thank you.

Councilman Hertzberg, I believe you have one for the record.

Mr. Hertzberg:

Yes. Here is one for the record, Mr. President.

The Chair:

Thank you, Councilman Hertzberg.

MR. HERTZBERG PRESENTS

No. 2595 WHEREAS, Arment W. Poliziani of 946 Lessing Street, City of Pittsburgh, County of Allegheny, and State of Pennsylvania has been recognized on Sunday, October 22, 1995 for his outstanding kindness toward his fellow man; and,

WHEREAS, Arment W. Poliziani, over the past 33 years has provided

outstanding service to the surrounding community with his auto parts, furniture, and art businesses; and,

WHEREAS, Arment W. Poliziani has unselfishly contributed a large portion of his life and wealth to local charity groups, sports organizations, business associations, church, family, and friends over many years; and,

WHEREAS, Arment W. Poliziani has conducted himself in an exemplary manner in these various business and community activities, as a true gentleman; and,

WHEREAS, Arment W. Poliziani always stood at the forefront of community involvement and Pittsburgh politics, by supporting local and statewide candidates for public office. His devoted support of the 20th and 28th Ward Democratic Committees, and support of his dear friends former Mayor Richard Caliguiri and State Representative Thomas C. Petrone, helped attain their goal of public service and has made this a better community;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh gives recognition to Arment W. Poliziani, a true friend to all, and declares Sunday, October 22, 1995 "Arment W. Poliziani Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2596 WHEREAS, on Friday, October 27, 1995 the Pennsylvania Office of Attorney General, Bureau of Consumer Protection, will be sponsoring a "Help Fair" in recognition of National Consumer Week in the Lobby of the City County Building; and,

WHEREAS, the purpose of the "Help Fair" is to provide consumers with information and materials explaining the wide range of consumer services available to the public; and,

WHEREAS, over thirty government, social service and non-profit agencies will be participating in the "Help Fair" assisting the public with valuable consumer tips; and,

WHEREAS, the National Theme for this years "Help Fair" is "Service, Its your Right".

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Friday, October 27, 1995 to be "Help Fair Day" in the City of Pittsburgh and urges residents to participate in and take advantage of these valuable consumer services.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends the efforts of the Pennsylvania Office of Attorney General, Bureau of Consumer Protection, in assisting consumers by protecting them from fraud, misrepresentation and product misinformation.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you. That event is this Friday in the lobby of the City-County Building, all the different consumer organizations will be here at the request of the Pennsylvania Attorney General, and I will do the proclamation down there I think at noon. Thank you for your support, and we invite the public down to the lobby on Friday for a lot of helpful information.

I believe that concludes all of our resolutions. Are there any other resolutions? Miss anybody? No. Very good.

Moving to Presentation of Papers.

MR. HERTZBERG PRESENTED

No. 2597 Resolution authorizing and directing the Directors of Public Safety to prepare a report on Implementation of Pittsburgh Code Chapter 602 - Minors.---**(SPONSORED BY MR. HERTZBERG)**

Also,

No. 2598 An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Chapter 777, Amusement Devices, by correcting Section 777.05 (e).— **(SPONSORED BY COUNCILMAN HERTZBERG AND ONORATO)**

Which were read and referred to the Committee on Public Safety Services.

MS. McDONALD PRESENTED

No. 2599 Resolution authorizing Urban Redevelopment Authority of Pittsburgh to purchase Nine Mile Run property for $3,800,000 from Lafarge Corporation.

Which was read and referred to the Committee on Housing, Economic Development and Promotion..

MR. ONORATO PRESENTED

No. 2600 Resolution providing for new and/or existing agreement(s) and/or contract(s) for the provision of telecommunications work related to the Unisource Project for various City Departments. Cost not to exceed $40,000.00.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

Also,

No. 2601 An Ordinance amending the Pittsburgh Code, Title Seven -- Business Licensing, Article III - Sales

Business, Chapter 719 - Vendors and Peddlers, Section 719.05 - Use of Streets.

Which were read and referred to the Committee on Finance and Budget.

Also,

No. 2602 Resolution authorizing and directing the City Controller and the Director of Public Works to conduct a comprehensive evaluation of the Environmental Services Division of the Department of Public Works.— **(SPONSORED BY MR. ONORATO)**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2603 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 6, by changing from "R4" Multiple-Family Residence District, to "C3" Commercial District certain property having frontage on Reddour Street, Sampsonia Street, and Federal Street, 22nd and 25th Wards. COUNCIL DISTRICT NO. 6

Which was read and referred to the Committee on Planning, Zoning and Land Use.

THE CHAIR PRESENTED

No. 2604 Resolution appointing Jim Darcey of 247 Mansion Street, Pittsburgh, PA 15207, as a member of the Selection Committee for the City Youth Amateur Ice Hockey Team as authorized by Res. 531, effective 7-11-95.

Also,

No. 2605 Resolution appointing Effrum Garnett of 115 Broadcrest Drive, Pittsburgh, PA 15235, as a member of the Selection Committee for the City Youth Amateur Ice Hockey Team as authorized by Res. 531, effective 7-11-95.

Also,

No. 2606 Resolution appointing Eric Vandenhengel of 1350 Crucible Street, Pittsburgh, PA 15220, as a member of the Selection Committee for the City Youth Amateur Ice Hockey Team as authorized by Res. 531, effective 7-11-95.

Also,

No. 2607 Communication from Mayor Tom Murphy informing City Council of his appointment of Herbert Elish, 108 Woodland Road, Pittsburgh, PA 15232, to the Pittsburgh Housing Authority for a term to expire October 11, 2000.

Which were read.

The Chair:

On the first bills relative to the youth activity, Councilman Hertzberg, would you like to speak to this?

Mr. Hertzberg:

Yes. We have at least two of the candidates for the Selection Committee that are available tomorrow for us to interview, hopefully we will get a hold of the third one and they can all be here.

The Chair:

Is there a need to interview as opposed to just moving on the appointments today, or – I personally have no need to interview them? What is the pleasure of the body on this?

Mr. Onorato:

Mr. President, point of order.

The Chair:

Mr. Onorato.

Mr. Onorato:

And, I apologize but I missed all of them. But, what are the three positions? I heard the one for Housing Authority, but what is the other one?

The Chair:

The Housing Authority we need to interview, but on the others – Mr. Hertzberg, could you speak to the issue, please.

Mr. Hertzberg:

Sure. It has been awhile since we passed Resolution No. 531 that authorized our Director of the Department of Parks and Recreation to form a Selection Committee for the purpose of identifying members of a City Youth Amateur Hockey Ice Team to play at Neville Ice Arena. Under the Neville Ice Arena lease, Neville Ice Arena is to provide at its expense a hockey team composed of 17 City residents, and Bill No. 531 set up the selection process for those 17 individuals and designated a committee of three for Council to approve, first nominated by the Director of Parks, and that is what we see here, those three individuals, subject to Council's approval. And, President Ferlo is questioning whether we really need to speak with them.

The Chair:

Well, my only suggestion is that you have been working on this as Chairman of Parks, and if you have, I am very pleased and I think we need to move forward.

Mr. Hertzberg:

I have been, and, unfortunately, it was not as easy as I thought it was –

The Chair:

It never is.

Mr. Hertzberg:

– but, we now do have three individuals that I believe are highly qualified, the resumes of –

Mr. Onorato:

Motion to accept Councilman Hertzberg's recommendations.

MR. O'CONNOR seconded the motion.

The Chair:

It has been seconded. Any other discussion? Councilman O'Connor.

Mr. O'Connor:

I think to Councilman Hertzberg's credit, he had a good idea, that maybe wasn't followed up, and to his credit, he followed up with it, and I commend him for that, I think it is a good project.

The Chair:

Yes. Thank you for your work. All in favor?

WHICH MOTION PREVAILED.

The Chair:

On the latter appointment, I suggest we conduct an interview. If there is no objection, motion to conduct an interview and we will meet Mr. --

Mr. Onorato:

So moved.

MR. COHEN seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Are there any matters under Unfinished Business or Reports of Special Committees, to anyone's knowledge? Unfinished Business? If not, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2608

Report of the Committee on Finance and Budget for October 18, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2511

A Resolution entitled, "Resolution providing for the transfer from Code Account 1034, Salaries and Wages, Commission on Human Relations, and Code Account 1545, Street Lighting, Department of Public Works, to Code Account 57-1, Retirement Severance Pay - Sick Leave, the aggregate amount of $135,944.00."

Which was read.

Also,

Bill No. 2512

A Resolution entitled, "Resolution providing for the transfer from Code

Account 1066, Equipment, to Code Account 1063-1, Education and Training, Department of Finance, the amount of $10,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2538

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $175,000.00 to Delano Golden, c/o Dennis M. Morgenstern, Esquire, Evans, Ivory, P. C., 1311 Frick Building, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred at the intersection of Bennett Street and Brushton Avenue."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2540

A Resolution entitled, "Resolution providing that the City of Pittsburgh enter into a professional services contract with the Three Rivers Area Management Committee. Cost not to exceed $990,000, chargeable to and payable from Code

Account 44, Workers' Compensation Program Administration, Department of Finance."

Which was read.

Also,

Bill No. 2541

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.—(AS AMENDED)"

Which was read.

Also,

Bill No. 2543

A Resolution entitled, "Resolution transferring $3,700.00 (Three-Thousand Seven Hundred Dollars) from Code Account 1103, Miscellaneous Services, to Code Account 1102-1, Premium Pay."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2544

A Resolution entitled, "Resolution authorizing and directing the City Controller to conduct an annual performance audit of the School District of Pittsburgh.—**(SPONSORED BY MR. FERLO)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilwoman McDonald, I believe you have an amendment to offer.

Ms. McDonald:

Yes. You all should have the amendments before you. I am offering some amendments to Resolution 2544, concerning an audit to be formed, a

Performance Audit to formed by the City Controller's Office of the City of Pittsburgh School District, the Public School System, and I would –

The Chair:

We have a motion to amend, second it.

Mr. O'Connor:

Second for discussion.

The Chair:

Mr. O'Connor, for discussion. Now, discussion on the amendment, albeit ill-advised amendment. Councilwoman McDonald.

Ms. McDonald:

Oh, come on, Jimmy. It's too early, we need some.

The Chair:

Excuse me, does everyone have the amendment? Mr. Ricciardi needs a copy.

Councilwoman McDonald.

Ms. McDonald:

Yes. Though philosophically opposed to such a resolution for the same reasons – and I would ask for the transcripts and just to please bring my comments forward from last Wednesday's Standing Committee Meeting.

(REMARKS–SEE ADDENDUM)

Ms. McDonald:

But, I would ask my colleagues to consider the amendment separately. I philosophically opposed to this for the reasons that I said last week, we're out of our jurisdiction. I think there are some legal ramifications. If the School District does go to court about this, the tax payers ultimately will bear the burden for this locking of the ram horns that is occurring, that will occur. There is no written opinion by the Solicitor's Office, which I did ask for, I asked for an independent opinion by the City Solicitor's Office, and, of course, I believe that our City Solicitor's Office and that Department has no interest in this whole issue. But, I have not received anything to date.

The amendments basically are such that the City of Pittsburgh has no cost incurred to them as a separate governing entity, that this cost be fully assumed by the School District, if, indeed, there would be an audit, and I am sure that there would be additional cost.

And, as it reads: There shall be no cost incurred to the City of Pittsburgh, including research and printing of the report. As the Pittsburgh Board of Education is a separate governing and taxing legislative body, it shall assume the entire financial cost of this Performance Audit. And, I believe if the School District wants to pay for this, so be it, but it should not be paid for by the City of Pittsburgh. We have our own problems.

Number Two: The Office of the City Controller shall enjoin a third-party, such as the Pennsylvania Economy League, or another organization whose expertise is in public education, mutually

agreed upon by the Pittsburgh Board of Education and the Office of the City Controller to conduct the Performance Audit. Because I do not believe that there is expertise in our City Controller's Office to perform an audit on an educational institutional as such. That is like them going in and auditing the University of Pittsburgh or a certain department. If there is no expertise there, then the expertise has to be added to the table, and that is with a third-party. And, I believe that if this audit -- and we are all in agreement in the spirit of a Performance Audit, no one is in disagreement that there is no need for an audit. There is a need for an audit, sure there is. I think all departments are in need of an audit. But, I think the dilemma is, is we have to have a fair and realistic assessment and the expertise has to be at the table.

Now, I would ask that the one paragraph be deleted, and that reads: Whereas the recent tax increase levied by the School District in Pittsburgh in 1993, directly impacted the quality of life of all residents of the City of Pittsburgh and threatens the City's ability to survive by driving the tax rate up so high, that it threatens the City's economic viability by driving residents out of the City. And, last week I had said that that was inflammatory language, it was not necessary to be included in this resolution, or in this bill, and it does not take away from the continuity of the wording, of the flow of it. So, I would just ask for that to be deleted.

And, lastly, to say this, if these amendments are approved by my colleagues, I will be happy to vote for this resolution. Because I think it would be -- as I said, if all parties are in the same spirit of things, the City Controller's Office, Council, the School Board, that we had the expertise at the table, I think it could be very enlightening. It could be more helpful than hurtful. But, I just want to make sure it is done right. And, I do not think that we should proceed and somebody else is governing -- that is like us putting out some resolution that we definitely want the County to do this or that, and they will tell us very quickly and very firmly, it's none of your business. And, I just wonder why we keep at the School Board, maybe it is that they do not flex enough muscle to say, hey, stay out of our business, it's none of your business. But, it does not happen.

What concerns me is that we do not have Performance Audits of all of our departments. It was very clear that the Police Department, I am not sure if the whole Public Safety Bureau has been audited at all, and how come it has not been. How come we are proceeding outside of our jurisdiction before we have even taken care of our own departments as far as a Performance Audit. So, that is a question that I have. Shouldn't we have all of our departments audited before we proceed outside? I am still not aware of what prompts an audit. What causes an audit. Is it a knee-jerk reaction? Are we in a reactionary mode, or should we be in a proactive mode? A proactive mode would be to engage in dialogue, an ongoing dialogue with the school system, to understand what their problems are and how they run, and they need to understand us, too. Now, that is what I would call proactive. But, because a problem happens and that prompts an audit, to me that is very reactionary, and we have to really get out of that mode.

Litigation is still an issue. Even though we pass this, if it goes to litigation,

ultimately it is going to cost the tax payers money, and I will be very vocal and very adamant that we pull out immediately before we incur not one additional dollar to tax payers, who probably could care less. A lot of people are just like, hey, you know, if we don't like the way the school runs, we'll vote the board out, and they'll change the Superintendent.

The bottom line is this, until we clean up our own house and get our act together – I mean the City is in more of a deficit than the School Board is. I mean, nine million compared to over 30 million. I think we have a lot of housecleaning to take care of ourselves, and I do not want us to go looking for cobwebs in somebody else's house when we got like monster dust balls rolling around in our own house. I think we have to sweep up our own dust balls before we go looking for someone else's.

And, lastly, I want to say, if we keep
– continue into the studies, we want a study on this, what is looming before us is still a Disparity Study. Because the School Board had taken it upon themselves to conduct a Disparity Study. And, I would caution my colleagues, there is a large sentiment out there that this needed, to make sure that we have fair and equitable distribution of contracts, employment, et cetera. It would cost the City tax payers money, but if we want to get into studies -- now, I am leaning more towards, if we want to really do a study, I will propose a Disparity Study, and I can guarantee you, you will have lots of people down here asking for that, but I have been holding off because I think right now we are not in a financial position to spend any more money. We basically just have to balance everything and make sure we do not do a disservice to the tax payers in cutting of too many services or too many employees.

So, again, I just ask for caution. These amendments I think would make this resolution very palatable to all parties and it could be more helpful than hurtful. But, without these amendments, it sounds like ultimately the tax payers are the ones that are going to get the short end of the stick.

The Chair:

Thank you. Having introduced this, I would like to just respond quickly. I will credit my colleague, Councilwoman McDonald, with a very articulate obfuscation completely of the intent as well as the issues involved in this resolution. This is not about school choice, this is not about attacking public education, it is not about any of that. Purely and simple it is about a traditional Performance Audit of a very large institution. Legally the School Controller, under State Law, is the – the City Controller is legally the State – under State Law, the School Board Controller, as the Councilwoman knows. A Performance Audit I think would be helpful. The City Controller's Office has expertise in a broad range of areas regarding the Performance Audit issues, whether it be facilities management, whether it be area of procurement of goods and services, whether it be the bidding procedures at the School Board, personnel matters, utilities, transportation, food service.

There is a whole broad range of issues very similar to Public Works and Environmental Services and General

Services and the whole gamut of departments within City Government that I think could benefit. That kind of Performance Audit Review would be beneficial for such a large institution. I think it is proper, it is legal, it is appropriate and it is timely for the City Controller/School Controller to move into that area and perform a public service, not only for the benefit of the Board, but for the kind of public review that is needed, as typical with the Post Gazette, typical bashing of the City Controller's Office in the editorial. We have a Controller for the last seven years that has done a number of important audits, not only of a fiscal nature, I know they have done 50 fiscal audits with a formal – 419 recommendations of a fiscal nature. They have done 43 Performance Audits in the last seven years, that we have received copies of, those 43 Performance Audits have 1127 formal recommendations that have been made to Mayor Caliguiri, as long as I have been here, to Mayor Masloff and now to Mayor Murphy. Uniformly and overwhelming, the vast majority of those recommendations have helped the Administration and the directors of various departments. I think the same principle I am trying to apply relative to the School Board. It is not – I think that last week's discussion got off into a tangent on a lot of other social policy issues, certainly all of us have respective feelings about – good, bad or indifferent, about the performance of the school system and a whole broad range of issues. But, to me that really is not what I am getting at. And, I am not asking for a political audit, I am asking for a Performance Audit. And, I think, unfortunately, we have obfuscated the issue with all kinds of other social policy issues relative to our emotional feelings, factual or otherwise, about perception of the school system here in the City of Pittsburgh, and that is not what the intent of the resolution is.

As far as the amendments, they completely gut the bill, and I would ask my two colleagues, Mr. O'Connor and Councilwoman McDonald, to please vote no on the bill and argue it out. But, the amendments, you may as well just completely gut and table the resolution because they completely undermine the intent, the purpose and the spirit of why I have offered the resolution in the first place.

Other response? Mr. O'Connor, and then we will go down the line.

Mr. O'Connor:

I do not understand the last comments. I supported Ms. McDonald's theory. We're asking who – last week's meeting there was no, how much is it going to cost, who's going to pay for it –

The Chair:

Well, let me just address that clearly, because this is another issue that is factually just a false one.

I mean we have an existing payroll in the City Controller's Office, not only fiscal auditors of 15 staff people out at the School Board that are part of the School Board's budget, we fund – a couple million dollars a year funds the Office of the City Controller. There are a number of Performance Auditors within the existing City payroll. Now, you could argue there are opportunity costs, but there are no direct costs. We already have on the

payroll the expertise and the involvement of professional staff, CPAs and the like, that would do it. It is a question of re-prioritizing in the Controller's Office what kinds of audits they are going to be doing. But, I mean this thing about -- talking about money and all that. And, what kind of comment is it that the first thing out of Mr. Stefanko's mouth at the School Board is, we're going to sue, we're going to go to court. I mean what is that? We are talking about a Performance Audit and he is talking about going to court. I mean, come on, wake up out there.

Mr. O'Connor.

Mr. O'Connor:

Well, is it clear? At least I wasn't made clear last week, that it was going to -- no additional cost. Now, if that is the case --

The Chair:

There is no additional cost.

Mr. O'Connor:

Well, that wasn't made clear last week. So, I would support -- as long as we are not going out and hiring five auditors to come in and do this --

The Chair:

I am asking -- the spirit of this resolution is to re-prioritize the City Controller's Performance Audits and also to conduct a Performance Review at the School Board with the resources that are at the disposal of the --

Mr. O'Connor:

Well, I think our intention is no extra cost to the City tax payer. So, that is basically how I read this in our amendment. In other words, we're not incurring any more cost, or if it would be, the School Board would have to pay for it.

The Chair:

But, the purpose of this resolution is to obfuscate the issue and defeat the intent of the resolution.

Mr. O'Connor:

Well, I don't think so, because I talked to some School Board Members and they were at first quite upset, why are you trying to do our job, when you have your own problems, as Ms. McDonald just said, but after you explained it to them and talk with them, I don't think their closed mind to it. I don't think we should address -- if we go in as a cooperative effort and a good spirit with the School Board and do this Performance Audit, which everybody agrees -- and I think most of them agree it would be useful, and it can work out. If we shove it down their throats, no matter what comes out of it, they can throw it in the wastebasket.

The Chair:

I am suggesting, Councilman O'Connor, that we not do anything as a Legislative Body, other than direct the re-prioritization of the Controller's Office to do a Performance Audit. I don't want to be involved -- I have no role of function relative to this issue, it is between the CPAs and the Performance Audit staff of the Controller. If he wants to recruit in-

kind services of appropriate Performance Audit expertise from the university community or from the Economy League, as I mentioned last week, I would welcome that, but I do not think we should be involved in any way in this issue.

Mr. O'Connor:

Well, we're stating that, saying that we would support the resolution if you would do it.

The Chair:

I do not want your support for the resolution because you are working to undermine the resolution.

Mr. O'Connor:

I do not think we are, I think we are trying to make it work. I mean there are ways to make things work or there are ways to fight and make lasting enemies out of the School Board. You said, agree, and if you read Part Two, we're suggesting the Economy League, or someone such as them. We left that very open-minded. As you said last week, the university community. Finding a problem is one thing, agreeing on a problem is another. So, if we agreed there's a problem and there's a waste, then it can be solved. Well, who's going to solve the problem?

The Chair:

My only point, Mr. O'Connor, and I will close, is that, I trust and I have faith in the Office of the City Controller and Mr. Flaherty, as an elected official, to conduct a proper Performance Review. The first step in a Performance Audit is a formal dialogue with the administration at the School Board regarding the breadth of review that will be undertaken. So, there are whole series of steps that professional Performance Auditors go through relative to structuring a Performance Audit Review, and the first thing is a direct dialogue meeting with the administration at the School Board and I assume the --

Mr. O'Connor:

Well, have we asked the School Board if they would cooperate in this?

The Chair:

We are directing -- the intent of our resolution is to direct under the Home Rule Charter, the Office of the City Controller to conduct a Performance Audit. How that happens is really the prerogative and the discretion --

Mr. O'Connor:

Well, that is the trouble with government, they just say, here, do something, and then later we find out all the problems. We're trying to solve some of the problems.

The Chair:

I thought Mr. Flaherty made it clear, who came to the table, that he took the intent and the spirit of the resolution to task and that he would, following adoption of this, he would move as are the procedures in place to begin the process of delineating what the Performance Audit would look like.

Mr. O'Connor:

Well, on our amendment, Part Two we agreed with -- you just said you did, I think -- and Part One, as long as it is not a burden to the City tax payers, that's all it says here. And, the other question Ms. McDonald brought up was, where's our legal agreement -- legal opinion from the City. She asked for that. Not once in this Council have we voted for anything while we waited for a legal opinion. So, I think out of courtesy to her, we at least hold this one week.

The Chair:

I personally am not asking for a legal opinion. We are waiting for one, and we will have to get that, but we do not have it here today. We have testimony from the legal representative of Dickie, McCamey Law Firm who represents the Office of the City Controller, who contended that it was indeed legal and within the State Statute, purview of the City Controller, to do this type of an audit, and I have enough faith in the expertise of Dickie, McCamey, representing the Controller's Office, that that will be the case.

Mr. O'Connor:

So, if we go to court, then he will cover our costs?

The Chair:

What's the court issue got to do with it? I mean I don't what --

Mr. O'Connor:

It was brought up.

Mr. Hertzberg:

I think the answer is, yes, any way. Yes. They are on retainer.

The Chair:

Well, there is no more cost because they are already paying Dickie, McCamey a flat annual fee. And, again, that is another issue we have attempted to obfuscate that now has been nullified.

Other comment? Mr. Cohen, and then we will go right down the line.

Mr. Cohen:

Thank you very much, Mr. President. There has been a lot of confusion, a lot of misinterpretation of this bill. As I read this bill, and I had nothing to do with its introduction, but as I read this bill, it asks for a Performance Audit to be done on the School District of the City of Pittsburgh. A Performance Audit is the most basic, standard accounting tool that is used to save tax payers money. It is as simple as that. For people who don't know this, there's a Fiscal Audit and there's a Performance Audit. The Fiscal Audit is really to determine whether or not everything matches up, whether, for example, there are receipts for expenditures that are made, and whether the dollars spent match up with the dollars received. The Performance Audit, on the other hand, is very different. That is a procedure that is done to determine whether or not the agency has performed well, whether the tax payers' money is spent well, and virtually every municipality, every city, every county, every state, even the Federal Government -- although, goodness knows, they don't do

it very well – every government agency employs this standard tool to determine whether tax payers' money is being used well.

In fact, my understanding is that bond agencies look as one factor when they are determining what rating to give a city or another level of government, they look to see whether a Performance Audit was done, because it is a standard, basic tool, and numerous audits have been done in the City of Pittsburgh on its departments, on virtually every single department, and the only reason the Public Safety Department has not been done because we had a bigger Performance Audit done of all the Public Safety agencies.

The School Board, as I understand it, and somebody tell me if I am wrong, but the School Board has refused to have a Performance Audit done. The budget of the School Board is greater than the budget of the City. The people who pay City taxes are essentially the same people that pay taxes to the School District, and tax payers know that School District spending affects City spending, City spending affects School District spending, and, in fact, the spending of both is what affects our tax payers.

So, my view, as I look at this bill on the merits, and politics aside, is that tax payers have a right to know whether their money is being spent wisely and efficiently. And, moreover, the only person by law who is required to do this is the City Controller. My view – and I am a lawyer. My view is that if somebody else were to do it, it may, in fact, be illegal. Because in the State Code it charges the City Controller with doing a Performance Audit, all audits, including a Performance Audit, of the School District. So, not only is it legal, but I think it would be illegal to do otherwise.

So, my view is that, unless we take a look at this as a standard tool for determining whether tax payers' money is spent well, that we – that's our only choice, is to look at it that way. And, unfortunately, the School Board – and I, as I said, please tell me if I am wrong, but just from many people that I have spoken to, including the Controller, is that the School Board has refused to have a Performance Audit done. The only person that is legally required by law to do that Performance Audit is the City Controller.

What also upsets me is that the Pittsburgh Post Gazette Editorial Board, for reasons that I cannot explain, refuses to acknowledge this very basic tool of accounting and protecting tax payers' money, in their editorial this morning. So, if you can figure that out, good luck.

But, I think we need to vote for this. Frankly, I do think these amendments would result in no Performance Audit being done, because the first amendment says that the School Board shall assume the entire financial cost. Well, we know that they have refused to do that. So, if we ask them to do something they refuse to do, then it is not going to be done.

And, secondly, that it says, the City Controller shall enjoin a third-party mutually agreed upon by the School Board and the City. Well, the City and the School Board have not been able to mutually agree upon it. Sometimes there comes a point where you have got to take

a stand. And, we wish that they did agree to it, given that they have not, we got to force them to do it, because it is a standard tool.

The Chair:

Councilman Hertzberg, and we will go right down the line.

Mr. Hertzberg:

Thank you, Mr. President. I would ask for my comments from the Committees Meeting last week on this be brought forward.

(REMARKS - SEE ADDENDUM)

Mr. Hertzberg:

I think these amendments are well-intentioned, they are meant well, but I am not in favor of them. To begin with, the first amendment, which states, there shall be no cost incurred to the City of Pittsburgh, it is unnecessary. There is nothing in the bill in front of us that would cost the tax payers any more money. Whatever the Controller needs to spend and chooses to spend is addressed annually in our budget and it is controlled through our budget process. He has so much money he can spend on the people that work for him, and they are going to do what he orders them to do. I believe it is appropriate for the schools to pay for this, and I believe he should seek compensation in doing this, but I believe that if that is a prerequisite that the School Board, or the public schools pay for this, it is never going to happen, it is unworkable. We are going to have a battle to get it done, the battle is going to go to court, the court battle is going to drag on and on. I want this to get underway and quickly.

And, the second part of the amendment also, as Councilman Cohen pointed out, will also become unworkable, because there won't be an agreement reached on who this outside agency would be. But, furthermore, there is no reason for an outside agency, that is the Controller's job. That was the intention of the legislation that established the Controller's Office and gave the Controller the duties that he has. That is, he is supposed to be an independent -- he or she, whoever is in the position -- is supposed to be an independent elected official to conduct audits within the City Government and also within the School Board. This is right within the duties of the City Controller. There is no need to have anyone outside of the City Controller to do this. And, in fact, as Councilman Cohen pointed out, that may very well be illegal.

As far as what our Controller has done in the past, audits and Performance Audits done within the City Government, my experience has been good. I requested a Performance Audit of the Pools Division of the Department of Parks and Recreation, I was conducted in a very professional, objective manner, much more objective than some of the treatment that the pools has received in Council sometimes I think. And, also, we received an audit on our City Court System last year which was extremely helpful to the Mayor's Office and to the court system and to a new Administration, where items like hundreds of thousands of dollars in un-negotiated stale checks were found.

The work that has been done that I have seen has been good and it has been apolitical work, and I would hope we can go forward and approve the bill as it has been written by you, Mr. President. Thank you for the legislation.

The Chair:

Thank you, Councilman. Mr. Onorato.

Mr. Onorato:

Thank you, Mr. President. First of all, I would like my comments brought forward from last week, all my comments, even the ones that were described as inflammatory by certain people in the Press, I want them all forward.

(REMARKS - SEE ADDENDUM)

Mr. Onorato:

And, I also want to address the issue of these amendments.

First of all, I will be voting against the amendments, only because I do agree, Mr. President, that I am afraid this might gut the intent of your bill, and I am strongly in support of your bill, as I stated last week.

I do want to agree with Councilman Cohen, reviewing the State Law, it is obvious that the State Law is very clear, that the City Controller is also the School Board's Controller.

And, I am a little confused, too, of some of the descriptions of you bill. This editorial, which was passed around in front of me while I was sitting here today --

The Chair:

Well, when editorialists have kids in Roslyn Farms School District or Fox Chapel --

Mr. Onorato:

Well, Mr. President, just to show the irony of the editorial, it attacks one of my colleagues here by saying that -- a quote, that the system is bloated with patronage, that this is an inflammatory charge and should be backed up. Well, the fact that we are trying to do exactly what they are asking us to, is to back up those remarks with an audit, they are saying, don't do the audit. You cannot have it both ways.

A Performance Audit would be exactly what they are asking for, let's back up those charges, and that will -- either my colleague is wrong or he is right, and I will be willing to bet that he is absolutely right. I made it very clear last week, that it is obvious there is resistance to a Performance Audit. That is what the editorial should be saying. What is the obstruction out there? Why is there a fight against it? And, if you can recall, this is not because City Council is getting involved, I remember a few years ago when the Controller, who is an independent and elected official of the City, had a fight over who they were going to put out there in the position. That is his job, he picks the person, and they were fighting over it because they did not like the person, if I am recalling the story correctly. There was a big fight over there. The Controller has to be independent. Private companies -- I am a CPA -- the hire independent auditors that go out and review the books of private

companies. You do not do your own internal audit and take it to the bank and ask to borrow money. They want an independent audit, so these numbers are true and that the performances are okay and what is going on with management. It is the same thing here. We have a Controller who is independent. He does not have to answer to us, he does not have to answer to the School Board, he answers to the voters. And, that is exactly the way it should be. That is why we have the position that way. That is why the Home Rule Charter calls it an independent Controller, and that is why the State Law says we have a Controller which will be the City Controller.

And, the fact that the editorial says that the City's bond ratings are dropping, and this City's conditions are out of control, and what does Council do, we ask to vote for the School Board. Well, excuse me, the four years that I have been here and what I experienced, probably over 200 positions have been eliminated through layoffs, hundreds of more through attrition, our budget decreasing by large percentages, 360 to 350 to 340, when the School Board is doing just the opposite. Now, if I am not mistaken, isn't it the same tax base that we both deal with. How can one of us be going this way, the other one be going this way, and we are being criticized for not doing anything. Obviously we are doing something, we are taking a strong stance that we cannot raise taxes because it would be devastating to the City. We say that over and over again, and what we do in the meantime then is decrease our expenditure. We have been cutting and cutting. And, even in today's paper -- and I have a bill to introduce today -- we are going to discuss the Refuse Department, from all the options. This is only one example. We fight with these problems every year, we are reducing this budget and we are cutting because we understand that the way to grow this City is to make us competitive with the region. Right now we are at a disadvantage because of our tax structure, both from the business side and on the vigil side. If the editorial thinks that we should not get involved, I am sorry, when we are holding the line for four years – that 1993 tax increase was a slap in our face. To borrow Councilwoman McDonald's quotes, quit looking for cobwebs in somebody else's house, clean our own dust balls. Well, we have been cleaning our dust balls but we open the window and they shovel in dirt with that tax increase, as far as I am concerned. Because, the reason is, when they raise that tax increase, Council President Wagner and I went out to the School Board to testify, to even offer our Controller at that time and our own Council Budget Staff, offer them help in reviewing their budget, where they could cut, because we thought it was so critical at that point that we would not raise taxes.

So, this is not just a one time shot from Councilman Onorato with them. We have been dealing with this for four years. And, I truly believe, as one Councilman, that what is happening in the School Board is going to be devastating to this City. This is not going to the quality of education, I think it is very good in the public schools, but you cannot ignore the fact that the tax base is increasing, and that they did have a tax increase and we are trying to hold it, and we lowered the Wage Tax and they refused to participate over the years. These are the facts. These are the facts you cannot ignore. And, you cannot ignore the fact that the school system and people are choosing, at the 5th

and 6th Grade level, in Magnet School, to leave this City. No matter how distasteful that might be to some of us, it is just the facts. And, I do not need to do a report. I can tell you just by my district alone what is happening and where they are moving to when it gets to the middle school group.

So, what I am asking for is that we vote against these amendments, keep the bill the way it is. Because the other issue on the amendment, under the deletion -- and I have to read this: Whereas, the recent tax increase levied by the School Board of Pittsburgh of 1993, directly impacted the quality of life of all residents of the City of Pittsburgh and threatened the City's ability to survive by driving the tax rate up so high that it threatens the City's economic viability by driving residents out of the City.

I do not know why people are afraid that this is inflammatory, I look at it as extremely truthful. I believe every word in that clause, and I have no problem voting for it. I do not want it removed. I believe this is exactly what is happening to this City, it is because of what this clause says right here, and I am ready to vote on it, and I do not want it removed, because that is exactly our problem.

So, the Performance Audit, I have complete confidence in our Controller's ability to do it. How they pick and choose audits, obviously that is their decision, it is made up of a lot of different factors, some are because of a problem in a particular area, they are shipped over to there to do a particular audit, some would be the request of the Mayor, some would be the request of Council. There are a lot of different ways. And, some might say it is political. Well, that is fine, too. We are all elected officials and if the people of this town vote for us and want certain particular departments audited, well, then one of us will push for us and if there are five votes directed that way, I have no problem with handling that type of decision making process.

So, at this point I hope and I urge my colleagues to vote against the amendments, and hope we have five votes to approve the bill as it is. Thank you.

The Chair:

Thank you, Councilman. Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President, and colleagues. Today I will be voting in favor of the resolution before us. I think it is very important that we support the Controller in his endeavors and which is mandated by the State and the City Charter, and that is that an audit be done on authorities and the School District.

Let me say on the amendments, I will support the amendment to delete the paragraph that Mr. Onorato has just read --

The Chair:

Excuse me. Just to clarify. There is a written amendment on the floor. It is up or down on the amendment. We are not picking and choosing portions of it.

Mr. Ricciardi:

Well, I still would like to --

The Chair:

I just want to clarify it for the vote purpose. That we are voting up and down on the written amendments before us.

Mr. Ricciardi:

Ms. McDonald, did you put this forward as a package?

Ms. McDonald:

I appreciate your being on record. That language to me is opinionated and it is inflammatory and I will never support any bill or resolution that has just strictly opinionated wording there. But, go on. I am sorry.

Mr. Ricciardi:

Well, Mr. President, I understand the amendments were put forth as a package, however, I am going to address each particular paragraph in the package of amendments.

Number one, I would support the amendment to delete if that amendment stood by itself. I believe in the wording, however, when you really look at it, it is really not needed for the resolution, and maybe in the spirit of cooperation, to make sure it does not look so confrontational, I think that could be deleted and it would not affect the resolution at all. Maybe Ms. McDonald would consider just putting that forward for a vote by itself.

Concerning the cost involved. The cost is very little. As you pointed out Mr. President, we have a very competent Controller and staff that is available to do the work. Obviously there is an opportunity cost, however, that has to be absorbed. And, we have to keep in mind that when we audit authorities and whatnot, there is a cost to the City tax payer and that is absorbed by the City Controller's Office, as Mr. Hertzberg correctly points out, and it is addressed through the budget. So, obviously I could not support that first part even if it was split.

Concerning the second part of the amendment, where it talks about to conduct a Performance Audit. I think the Controller really stated his position. The Performance Audit is not going to be on the educational component of the School District, that is not his field of expertise and he admitted that. Now, again, I do not want to really bog this down. But, if that came by itself, Ms. McDonald, and you said maybe to consult on the Performance Audit, I could probably support that, if we have an independent third-party that would work with the Controller, work with the School District in a consulting mode, I would support that, because that would not stop the Performance Audit from moving ahead.

So, I will just end by saying, as a package, Ms. McDonald, I could not support this. If you would break this up into three amendments, I would support the motion to delete the amendment to delete. I could not support the first part of the component, and I could probably support number two, if you would change the wording to, as to consult. Thank you.

The Chair:

Councilman Udin, do you wish to comment?

Mr. Udin:

I do.

The Chair:

Councilman.

Mr. Udin:

Mr. President. Thank you.

I am unclear, number one, as to why the Controller needs a resolution from Council to conduct either a Fiscal Audit or a Performance Audit. My understanding is that the Controller's Office has sufficient authority to conduct either audit without Council direction, and I do not understand, therefore, if that is true, why it is necessary for Council to reorder the Controller's priorities and require this Performance Audit. That is number one.

The Chair:

Can I just address that point very quickly?

Mr. Udin:

You may.

The Chair:

I agree with you totally. But, the fact of the matter is, I introduced the resolution and that is why it is before us. But, I do agree with you.

Mr. Udin:

Other than that, dictate, Mr. President.

The Chair:

But, I do agree with you. But, I do agree. But, I do agree with you. But, I happen to have a resolution on the floor.

Mr. Udin:

Thank you, sir.

Secondly, I think that any Performance Audit of the School District, if one were to be conducted, which I would hope would emanate from within the School Board rather than being imposed from Council, would connect to that audit a measurement of student achievement, academic achievement and performance, and I query the Controller regarding the ability of his staff in this Performance Audit to be able to make such measurements. I think that is critical. If you are really talking about performance, you are talking about outcome, and if they are not able to impact that control and measure that, I think that the Performance Audit is half baked.

Thirdly, I am not in receipt of any evidence. I hear some implications and some rumblings, but I have not received any information that suggests to me that the Performance and the management of the School Board operations is in such dire condition that it requires this extreme measure, and I consider this an extreme measure. People are making implications but I just have not heard anything specific.

Finally, I do believe that there is a connection, albeit, perhaps distant, of continued encroachment on the part of the City Council into the management and the affairs of the School Board, not unlike the efforts on the part of some of my

colleagues, the President not included, to try to get Council involved in the return to segregated schools in Pittsburgh, and other kind of measures that have come before this body that have to do with the School Board. I think that the line of demarcation between the elected School Board and its management of the Board and this body is an important line of demarcation which we should trod very lightly and carefully, and I do not think that we have done that, I have not seen the effort to try to engage in some dialogue between the City and the School Board around whatever the issues are that give rise to this bill.

So, quite frankly, I am not in support of either the amendments or the bill itself, but if I had to choose between the two, obviously I would take the bill with the amendments. Thank you.

The Chair:

Thank you, Councilman. Councilwoman McDonald, for a closing comment on the amendments.

Ms. McDonald:

Closing. Yes. Thank you, Mr. President.

I think that there has been a lot of sentiment that we have a lot of faith in our City Controller's Office. Well, my fellow Councilmen, so do I. Those Performance Audits that we get from the City Controller's Office are ones that I read. I read those Executive Summaries and if something really tickles my fancy, I dig in there and look and see, well, what substantiated this general statement in the Executive Summary. I would hope that the Controller's Office would provide to Councilmembers, as we deliberate on budgetary matters that are pending and I do not really look forward to, that he would provide with all of the Executive Summaries of each and every audit that has been performed for a department, at least one per department, or some type of functioning agency within the City of Pittsburgh, so that we can make a very educated and rational decision and be informed as we deliberate on budget matters that are coming up within a month.

So, I would ask the City Controller's Office to provide that. No one is undermining the City Controller's Office. I have faith that he is a watchdog, that he does go after things that need to be gone after and points up the problems. That is what he is elected for. No one is taking that away. What I am suggesting is that we do not go in -- and he said, half baked, I am calling it half behinded, to put it nicely -- that we go in to anybody else's territory, and you want something good, you want something that is going to be useable, something that is going to be a boilerplate for some action, then you cannot just go into it without the expertise at the table to perform an actual Performance Audit of a public educational institution, you don't have the expertise, I'm sorry, you don't, you don't, and there's nobody with an inkling of common sense right now that can say, yeah, they're all educators up there and they can do everything. No, no one can do everything, no one is experienced in all facets. I could never go in and -- into, like I said, a university setting and possibly do an audit, just because I came from the School Board. Please. The expertise must be at the table.

And, all I am asking with these amendments is that if you really are serious, no political horse manure, if you really are serious in wanting a real Performance Audit of the City School Board, then please don't go into it with a full package, a full proposal, go into it with a third-party that, as Councilman Ricciardi said, that can consult, that can -- that when you look at something and you see a budgetary item, you need to understand what the outcome is, is it to reduce absenteeism, is it to reduce the drop out rate, is it to increase achievement scores, why are these people in place, what exactly are they doing, how are they functioning. You have to have the expertise at the table in order to interpret what you are looking at. To this day – I have been on the School Board for the past five years and I still do not understand everything. I would still need an outside consultant.

And, I may want to put on record, to refresh your memories, back in 1990, I was the one that brought up problems within the school system in terms of computers, in terms of purchasing them, what types were purchased, how they were utilizing them, the main frame that is within the School District was obsolete, outdated, there were just so many problems. We did not call a CPA firm to tell us we got problems. We knew we had problems financially in that whole computer mess. But, the School Board took the bull by the horns at that time even though they did not like it, it was fighting and screaming and kicking and scratching, just like we are doing right now, but they finally realized, yep, we got problems, and they hired an outside consulting firm, totally independent of any politics, of any alliances with the Superintendent, it was a totally independent search. This firm had that expertise to go into everything that related to computers, our main frame, as well as the computers that were used in the classroom, as well as the peripherals that were used for staffing within the schools. The expertise was there. And, after months of study, they came back with a report that was viable, that was understandable, that promoted action, that promoted them to do something about what was wrong, and that is exactly what came out of that. After all the dust had settled, they fixed it. They made sure that there was nothing else wrong in their computer section. And, that is something positive.

I think after really looking at this, and Councilman O'Connor had said it, the School Board Members are not opposed to a Performance Audit, they just want to make sure it is done right. And, I say to Council, if we are going to try to intervene and try and clean up somebody's house, let's do it right. Gentlemen, I will never, ever support a resolution that -- or any bill that can be – well, I like his word – half baked. Councilman Udin said half baked. I cannot do that. I was never elected to support anything that looks too political or will not actually be productive. I was elected to do the right thing, support the right things, and the right thing to do is, if we are going to go in there with our City Controller's Office and try to clean up, clean up – at least find out what is wrong, what is right and what is wrong. Gentlemen, let's do it right.

And, that is the purpose of the amendments. I do not think I have five votes, that is fine with me. You can vote the amendments up or down, but if the amendments are not – again, with the amendments, I will support the whole

resolution, and I am ready to move forward in a productive manner. Without the amendments, I'm sorry. And, we can take them apart, Mr. Ricciardi, as you had suggested, I am very flexible on this, but I do not think the flexibility is here right now at the table.

The Chair:

Thank you, Councilwoman. Councilman O'Connor.

Mr. O'Connor:

Very briefly. I will be supporting the Performance Audit, your bill.

The Chair:

Well, the issue right now are the amendments that are on the floor.

Mr. O'Connor:

The audit I think is a wake up call to the School Board. I mean certainly we are getting their attention. I think myself, along with Valerie, are the only elected officials that have kids in the Pittsburgh Public Schools. There are a lot of good things happening, and along with most City tax payers, I think their costs are high and that's why we need this audit. But, I like to see results after all this action, and that is why I am supporting these amendments. And, I think you should consider, the first part is really neutralized, if there's no extra cost. I do not see that as gutting a bill or a problem. I think the second part is very, very important to have some parties involved that will show results after an audit is done, enjoin the audit and it would certainly help the School Board Members, who I've talked to. At least a couple would support this as long as they have some involvement. I think it is only right to support the amendment and the resolution.

The Chair:

Thank you, Councilman. Councilman Ricciardi.

Mr. Ricciardi:

Just a point of order on the amendments, and in no way am I trying to derail the bill because I support it in its entirety and I am going to be voting on it.

Point of order. Ms. McDonald, I do suggest that you take them as three distinct amendments, and if you are interested in seeing Amendment Two pass, I make a recommendation that you change the wording to, consult on the Performance Audit, and I think a few votes might fall in line. That is just a suggestion.

Ms. McDonald:

Thank you, Mr. Ricciardi. I am very amenable to –

The Chair:

We have an amendment on the floor. Now, are you withdrawing that amendment and making a separate amendment on this –

Ms. McDonald:

Exactly. I will be withdrawing this amendment.

The Chair:

Just procedurally, let's just be clear on what we are voting on.

So, what now is the amendment on the floor. Right now the amendment on the floor is to approve, then it was seconded, this written amendment. Now, what is the pleasure of the body? Councilwoman McDonald, are you changing your amendment now?

Ms. McDonald:

I am sorry. Thank you. The amendment – the first one that is listed about no cost –

The Chair:

You are making a motion. Withdraw your amendment, and you are offering a separate amendment.

Ms. McDonald:

I have already made a motion to withdraw the amendment.

The Chair:

Does the second withdraw?

Mr. O'Connor:

Second.

The Chair:

Now, put the amendment on the table for a vote. What is the amendment that you are now suggesting?

Ms. McDonald:

Since we have withdrawn the original amendment, the amendment that I am proposing to be moved on the floor is Amendment Number Two, that the Office of the City Controller shall enjoin a third-party such as the Pennsylvania Economy League or another organization whose expertise is in public education, mutually agreed upon by the Pittsburgh Board of Education – let me re-word that, Mr. Ricciardi – and the Office of the City Controller to conduct a Performance Audit. Let me clean that up. "The Office of the City Controller shall enjoin a third-party as a consultant – " we can play with the words, but " – as a consultant to the Performance Audit."

Mr. Ricciardi:

I will second the amendment.

The Chair:

Is everybody clear now with the amendment? Again, I strongly advise against this amendment for the reasons I stated earlier, even the refashioning and re-obfuscation of the issue.

Roll call vote on the amended amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Ms. McDonald	Mr. Ricciardi
Mr. O'Connor	Mr. Udin
AYES 4	NOES 4

VOTING NO:

Mr. Cohen Mr. Onorato
Mr. Hertzberg Mr. Ferlo
(Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

The amendment fails.

Now, what is the amendment on the floor? Any other amendments to offer to the bill?

Ms. McDonald:

No. I will be withdrawing the other amendments, because I realize there won't be the votes. If I could not get that one, I am sure the deletion of the one paragraph wouldn't pass either. So, there will be no further amendments to this bill.

The Chair:

Is there any further discussion on the original bill, 2544? Very briefly. Councilman Onorato.

Mr. Onorato:

Yes, very briefly. I just have to respond to a few statements. One, I just want to point out, because a couple of my colleagues made reference to it, the inflammatory aspect of it, I just want to point out, since I have been here four years, there are a lot of resolutions that are inflammatory, and that is a non-issue –

The Chair:

Well, I wrote this, and I did not mean anything to be inflammatory in the language that I wrote.

Mr. Onorato:

No, I am just responding to some colleagues.

The other thing, and, Councilman O'Connor, you are absolutely right, I think you and Ms. McDonald are the only two that have children in the schools, but I do not think that you have to have children in the schools to appreciate the severity of the problem here. And, if I can remind everybody, everyone of our districts pays for that school system, the tax payers.

And, finally, because it was brought up, I had to respond to it, because I am testifying Thursday in Harrisburg and still pushing for neighborhood schools, it is not for segregated schools. I just want to point out that the status quo, the Supreme Court and the recent decisions are the ones that are pushing segregated school districts, not schools. Thank you.

The Chair:

Any other discussion on this bill? Roll call vote on all the bill.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Hertzberg Mr. Ricciardi
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 6 NOES 2

VOTING NO:

Ms. McDonald Mr. Udin

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2557

A Resolution entitled, "Resolution authorizing the transfer of $200,000.00 from the Emergency Medical Services Reimbursed Trust Fund, (EMSRETF) to the Emergency Medical Services Trust Fund, for reimbursement of special event wages paid from EMSTF. **(PRESENTED BY MR. COHEN).**"

Which was read.

Also,

Bill No. 2570

A Resolution entitled, "Resolution transferring $100,000.00 from Code Account 1144, Gas/Diesel Oil, Dept. of General Services to Code Account 1148, Automotive Parts, Department of General Services and $50,000.00 from Code Account 1144, Gas/Diesel Oil, Department of General Services to Code Account 1150, Outside Repairs-Contracts, Dept. of General Services. **(PRESENTED BY MR. O'CONNOR).**

Also,

Bill No. 2571

A Resolution entitled, "Resolution providing for an agreement with a Consultant or Consultants for the design and implementation of City-wide training programs for City employees and providing for the payment of the cost thereof. Total cost not to exceed $85,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Councilman O'Connor, did you have a point to raise?

Mr. O'Connor:

Yes, I would like my comments brought forward on 2540 and 2544, please.

(REMARKS - SEE ADDENDUM)

The Chair:

Very good.

Mr. Cohen:

Mr. President, if we could bring everybody's comments forward -- unless anyone objects, everybody's comments forward on that bill, please.

The Chair:

Let's have all comments forward, hopefully not backwards.

(REMARKS - SEE ADDENDUM)

The Chair:

Thank you very much. Committee on Planning, Zoning and Land Use. Councilman Udin.

Mr. Udin:

Mr. President.

The Chair:

Thank you, Mr. Udin.

MR. UDIN PRESENTED

Bill No. 2609

Report of the Committee on Planning, Zoning and Land Use for October 18, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2532

A Resolution entitled, "Resolution amending Resolution 591 of 1995, which further amended Resolution 211 of 1995, entitled, 'A Resolution providing for an agreement/s with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or minor rehab of neighborhood facilities for the benefit of the residents of the City, at a cost not to exceed $123,750.00, chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning,' by decreasing Beechview Merchants Association by $1,900.00 and increasing Beechview Community Council by $1,900.00.—**(SPONSORED BY MR. CUSICK)**"
Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees.

We have an Executive Session immediately following this, it will only take about ten minutes on the Jodzis case, and the other matter regarding the employee tools, the claim for Mr. Cottman.

And, we also have a public hearing this afternoon, as you know, at 2:00.

Are there any other matters to be brought before the body? Hearing none, I would excuse the absent Member, approve the Minutes and motion to adjourn.

MR. HERTZBERG moved to excuse Mr. Cusick for absence for the Meeting.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to approve the Minutes of Tuesday, September 19, 1995, Tuesday, September 26, 1995, and Tuesday, October 3, 1995.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

And on the motion of **MR. O'CONNOR**

Council adjourned.

(BEGINNING - MR. HERTZBERG AND MS. MCDONALD'S COMMENTS ON BILL NO. 1657, WEDNESDAY, OCTOBER 25, 1995)

Mr. Cusick:

For the most part let me start here. Let me explain where House Bill 22 is. The House of Representatives has passed House Bill No. 22 as of yesterday and the Senate at this moment is voting on that piece of legislation, it should be done by 1 o'clock. And it looks as though that will go through the Pennsylvania Senate with no problem. I am encouraged by that. I want the Administration today to come up to the table and hopefully they can answer some of the questions that some of my fellow Council members have. I think it's time now that we – after our discussion that we would move on the bill and I look forward to any questions you may have.

Ms. McDonald:

Councilman Cusick again, I applaud the spirit but in lieu of the article that I have read this morning and in reviewing House Bill No. 22, I am appalled that this would have passed at all at the state level. It's going to be very interesting what the fallout is going to be and what concerns me – it's one thing to talk about the curfew but in lieu of House Bill No. 22 actually giving credence. Basically any citizen can be arrested for violating any ordinance and we all know what our ordinance book looks like. It's a real thick packet. A cracked sidewalk is violating an ordinance, a cracked sidewalk. By law once we establish guidelines this person can be arrested. It clearly says violation of an ordinance of a city of the second class. There is only one city in the state of Pennsylvania that is second class and that's us; Pittsburgh.

Another concern of mine is Item B, Line 14. The guidelines by a governmental body must be instituted. The right of arrest without warrant such as violating a curfew and under this section shall be permitted only after the governmental body employing the police officer promulgated guidelines to be followed by a police officer when making a warrantless arrest under this section. The guy that was arrested for roller blading. If he violated an ordinance he can be arrested but I'm saying if you would excuse me and let me finish what I have to say. If indeed a person built violates a curfew, if indeed a person is roller blading at night, you can come up with a myriad of reasons why a person can be arrested.

Again Mr. Cusick, I just got House Bill 22 and I happened to read what was passed and again I cannot support an ordinance in lieu of House Bill No. 22 simply because we have not set the guidelines for officers to make warrantless arrests. For a

curfew you are setting some up. If this indeed finally passes a broad range of guidelines, a broad range of guidelines and very exacting guidelines to control who is arrested and for what. Personally I don't think -- this is my personal opinion. I really don't think we are going to have a lot more arrests because of this house bill or because of the curfew ordinance or whatever, but it gives opportunity. It is an opportunity that can be abused.

The newspaper article did have something that was very I think significant and was asked at a public hearing. Could we enforce this based upon Council district, based upon the street or whatever the community needs? Not all of the city is homogenous. We don't have every community looking like every other community. In some communities you can hear pin drop at night and in other communities it is like a big party. So, I would again ask for a written opinion by our Solicitor's Office. If indeed this legislation passes, if indeed it continues to come up, I would like to see if it is going to be enforced when the residents request it. Some residents don't really have a problem with the kids and some residents prefer to take care of their own problems or at least to come up with more creative ways than having a police officer come up and enforce -- not to enforce but to take care of the problem.

I have a problem also again because we have not discussed the legislation that will be debated shortly about police sensitivity training and reforms. Those have to be enacted before I can sanction a curfew. Again, putting the cart before the horse. I can't approve, preliminarily approve a curfew when I think we have problems that we have to take care of first and to make sure that there is more resolution in terms of the concerns that I'm bringing up in the bills that I am introducing before we go hog wide with a curfew. So I am disgusted to read House Bill 22, I am sorry.

Mr. Cusick:

Let me respond. I do respect your opinion in regards to House Bill 22 but I did not write House Bill 22 and this really gives us the powers or the police the powers to arrest under this ordinance that I have offered. But I do disagree with you as far as the police could arrest for roller blading for example. Section Nine states, "For any of the following offenses a police officer shall upon view have the right of arrest without warrant upon probable cause when there ongoing conduct that -- would endanger the personal security of the public/private property." And I think that pretty much takes it out from roller blading when you are breaking those types of ordinances.

Again, I'm not going to argue House Bill 22. I think there are other parts of the bill that I disagree with and this is the legislation that the Administration has been waiting, that members of this body have been waiting to see and I would hope that

because people do not like House Bill 22 that they don't back up from voting from my legislation.

Many of you have asked me to hold this legislation until House Bill 22 is passed. Today will be that day that House Bill 22 will pass. I am asking for a preliminary vote, I am asking for a vote of yes because I think it's the right thing to do. Seventy-five percent of our cities in the United States that have 100,000 population or more have had a curfew including our liberal city such as San Francisco and Austin and Washington D.C. I think it's time that Pittsburgh has one. I do disagree with you that you can't pick Council districts, bad streets and good streets because all you will have is a group where the party is going on, just move their party to another street. I don't think that is what you can do. It has to be for all of Pittsburgh if we are going to have a curfew and I don't see any other way of working on it.

Ms. McDonald:

Again, I would ask that it be held pending further training for police officers out at that time of night and mainly young officers or at least the fairly newer recruits that we have had to be able to deal with some of the youngsters that are out there.

The other logistics is again, most crime is not committed at that time. Most of the crime is committed dinnertime. Dinnertime is when you find the increase in crime. Number Two is that most of the crimes of "young people" are not all that young. We're talking about 19 to 21 years old. The logistics aren't there and again I think you can save some kids. I will give this hold -- again as I did before -- I'm going to give credence to many of the parts of this bill is that it could save some lives, it could help out but you have to balance that out and that is what I have been doing. When you talk about sitting on a fence, I don't call it sitting on a fence, I call it looking at the balance and seeing where things are tilting one way or the other and it is a calculated decision that I'm making, not sitting on the fence. It's a calculated decision on what would indeed be best and not looking at short-term feel good, I'm looking at long term what is going to help the community whether it be the kids, whether it be the residents who reside there.

I have had many phone calls come in from people within my district African-American and otherwise who say, "Val I want you to support that curfew." Again, I don't want to get into an emotional feel good. I want to make sure that it's actually going to be long term, systemic, a positive effect. A long-term systemic, a positive effect in all our communities. I'm very leery and I would again like to have some reform in terms of training before I would enact a curfew so I can't put the cart before the horse at this time.

Mr. Cusick:

I introduced legislation along with Mr. Udin in regards to the sensitivity training. Councilwoman McDonald came back with amendments to that legislation and it is through your leadership Ms. McDonald and through the leadership of the Councilman Udin that I think that we will take steps into making sure our police have a more intensive sensitivity training. I don't think that any one of our colleagues would disagree that that is needed and that will happen. I have given this Council months and months, and this Administration, months and months to work out and come to me with whatever problems you had with this legislation and I think it is time we move. I think the residents have spoken.

Ms. McDonald:

It's not really a rebuttal. I'm not rebutting what you're saying but I also am concerned about the monetary expenditures. You are looking at a couple million dollars. We are fussing about premium pay for police officers and you are looking at a couple million dollars to set up a curfew center or centers and I want to make sure that we get as much bang for the buck with whatever money we spend. It's a big ticket item.

Mr. Cusick:

I disagree with you. When the Administration comes to the table they will explain to you that the County has already offered us sites and there's an array of different things that are happening like the University of Pittsburgh is going to participate in this. I think – is Mr. Farley here yet? If you would like to come to the table. I think there are a number of things -- we are talking about putting the cart before the horse and that is what is happening here.

Mr. Cohen:

We do have the Chief of Police.

The Chair:

Is the Solicitor's Office here? We want to have this as open as possible this discussion.

As a point of order at the request of Councilman Udin which I usually follow the same philosophy. We're going to let every Council member have a statement and then we'll get into the questions back and forth. Mr. Ferlo is first.

Mr. Ferlo:

First of all I think -- I make no apologies for being emotional on this issue and I think a lot of people are emotional on this issue because it is a very important and emotional issue. Anytime we are talking about the curtailing of individual people's rights whether they be young people or adults, I think we should be passionate and personal about the issue.

This Council has debated the issues relative to curfew as far back as Mr. Grabowski and Mr. Givens as well more recently in the more recently past under Councilwoman Michelle Madoff and now Mr. Cusick so we have a long-standing kind of review and overview of this whole issue for the last close to a decade. Uniformly and without any question historically when this came up originally, I was very much opposed to it and I think to be fair to Mr. Cusick it is true. I think if we are sincere and we analyze the impact and the problems associated with young people -- clearly right now we have a different environment within the communities especially certain communities that bear kind of a disproportionate presence of young people who seem to have a pattern of abuse to neighbors, to the public in general and the environment in which we are now debating the curfew I think is substantively different than it was under Michelle's proposal or as far back as Mr. Grabowski. On the other hand correspondingly there are a lot of other elements that I think are more problemsome and bring to task and to question Council's need to really deliberate and analyze this whole issue before we join the bandwagon which a lot of other communities have done. Politically this is an easy thing to vote for because I think overwhelmingly including a majority of the people in my district especially elderly residents favor a curfew. And the support I think while there's division especially within the African-American community, I think we can see both from the testimony of our public hearings held around the city I think uniformly whether you're talking about the African-American community or the total community, uniformly large numbers of people especially elderly, favor the notion of a curfew. Our job to rise above what seems to be the politically expedient thing to do and really analyze what the reasoning, the rationale and the impact of a curfew is going to be and that is why I wasn't offended by Mr. Cusick's "donkey on the fence or the jackass on the fence" but I've been on the fence because I'm still struggling with a lot of the social policy issues that give rise to this whole debate and I'm done struggling and I have some major reservations still unfortunately about Mr. Cusick's proposal.

I respect my colleague I think he has done a lot of good work and I applaud a lot of the grassroots work that has gone on because unlike a lot of other issues there has been a lot of debate within the community on this issue. I guess what I am coming down to is I have major reservations on instituting a curfew and that remains even in light of the passage of House Bill 22. I still feel that -- I was impressed with the New Orleans example of the method in which they have implemented the curfew. The problem that I have still within the city administration and city government is I don't feel that even if we vote for the proposal that Mr. Cusick has on the table today, I don't feel that unlike New Orleans, I still get the feeling that the curfew if we enact it, vis-a-vis the Cusick proposal, is not part of an overall or a comprehensive youth policy strategy. As evidenced and no disrespect to Mr. Farley but he is not the chief spokesperson for the City but the Deputy Mayor has ducked out of this discussion for the five months and he is not here again today. I am very loathed to move and sanction the implementation of a curfew proposal even with now the summary offense issue when I still don't see the Administration coming forward an being the advocate and the proponent of implementing the curfew as part of an overall strategy. I wanted the curfew and the police action to be one small part of an overall comprehensive approach to some of the problems that we are dealing with in the city and I don't see that. Politically let's vote on it, be great and say we did a major thing and maybe I'll feel comfortable but in my heart I know that it's like the three strikes and you are out, it's like a long jail sentences for certain drug offenses. You're not impacting or making a substantive change to people's behavior in dealing with the problem. It is a politically expedient thing, it sounds good and maybe we can say we did something but in the end in my heart and I am trying to set aside my friendship with my colleague and my belief that he's well intentioned with what I think the impact is going to be. There are still a whole range of issues and now there are even new issues that come up with passage of House Bill 22 and that is that we do not have before us the codified set of guidelines that the legislation requires, the City Administration and Council to adopt prior to instituting some re-arrests for these very offenses. On the other hand, the passage of the bill now also gives us another tool that we didn't have before prior to the notion of passing a uniformed curfew affects all young people. Let's set the record straight about young people in this city because the sentiment at much of the public hearing, there is very much this kind of sentiment at the public hearing, it was them against us and I have felt for some time. I think a lot of colleagues feel as we go on our neighborhood meetings, block watch meetings especially with some of the older residents. There is much more of a "them" versus "us" mentality out there and it's unfortunate because in my council district whether it be Highland Park or Polish Hill or Lawrenceville. I can count the number of problem youth that we have in any given neighborhood. So if you have 1,000 young people in Highland Park, I can tell you seven that are problem. If I go to Polish Hill we may have 300 young people and I can name three that are problem relative to graffiti and property damage. And I think as we go around our Council districts in

trying to deal with the problem child individual, we are creating a whole class of opinion about all young people in general. I am not saying that is Mr. Cusick's intention but when you deal with creating a uniformity of a curfew city wide, you basically defacto have created a class of young people in terms of what we expect or what we think their behavior is going to be and that is not factually the case. Most 99 percent of all young people don't engage in graffiti vandalism. Ninety-nine percent of young people don't engage in homicidal or other kinds of violent acts of crime. When we look at the numbers it is true that the climate and the atmosphere in our urban area has changed in the last ten years certainly most notably more recently by the gang violence and victimization within the community of young people against young people but we are still talking relatively small numbers of individuals and I think if we are honest I think we would see that the characteristics of different neighborhoods based on class on income are also different in terms of the numbers of problem young people that we have.

In a way the passage of 22 depending on what the guidelines look like, actually create another avenue for community C.O.P. officers to deal with the problem. If I understand the bill to be correct, House Bill No. 22 I'm talking about, if I understand this bill assuming it gets adopted, I would presume that in the future prior to the possibility of enacting city wide curfew that now in the future based on whatever the guidelines look like that a C.O.P. officer can use the other elements that are in the bill in a very targeted way to deal with problem youth. If there are a certain gang of youth in a particular neighborhood who are engaged in under-age drinking outside of the villa in Highland Park, I would think that based on this new legislation that we have independently of whether or not we pass a curfew now, we have another tool that the city police especially the C.O.P. officers can now use in dealing with that small percentage of young people that seem to be a problem which have created this climate of everybody wanting to pass a curfew and I guess what I am suggesting tactically is that we promulgate the guidelines under the spirit of House Bill No. 22 and work in modifying and developing the training component with the C.O.P. Program and the other bill that Mr. Cusick and Mr. Udin and Valerie have proposed relative to police training and sensitivity because I think that would bring us further ahead in dealing comprehensively what we see as a growing problem among certain numbers of young people who are problems in the neighborhood. So I guess what I am saying is that I don't think the curfew is timely and appropriate at this time. I think we should use the elements of House Bill 22 to further train and make more real the community oriented policing rhetoric to go with the community oriented policing officer and try to work in that area so that if we have identified young people who are loitering, if we've identified young people who are involved in public drunkenness, if we identified problem young people in a particular neighborhood – I don't care if you are talking about Highland Park or Brookline or Homewood, the elements of House Bill 22 I think give us now an additional tool for the officer upon

viewing the offense to be able to make an arrest for that kind of summary offense. Unless this bill excluded youth which I don't think it has. So what I am suggesting is that short of a uniform system wide implementation of a curfew and unfortunately not according to Mr. Cusick's intent because I think his intent is a good intent, he wants a comprehensive approach. I don't see that comprehensive approach coming from this administration. I guess in that sense I would say yes I am criticizing the Mayor and the Administration who are out there in the community calling for a curfew but not really dealing within the comprehensive fashion.

So I am sorry to disappoint my colleagues but at this point I would have to vote no on the existing curfew proposal. I would strongly suggest that we work with the elements of House Bill 22 and deal with promulgating guidelines to deal with the targeted youth that are a problem and not condemn the 90 percent of the youth that are not a problem. And I also say that we need to continue the struggle which we have not done. I know Mr. Udin has commented on this extensively as well as others from the community. We do not yet have a comprehensive approach. Whether you talk about the NAACP's report, our own comments here, our own frustration with moneys that we have allocated under the various youth accounts, those funds have not been expended or they've been expended for studies that don't seem to impact in providing the kinds of services that we think we need. So with that I want to summarize my position and I'll end with a specific question because this is the first time we've had the police here.

The Chair:

We're going to hold questions until everybody gets an opening statement.

Mr. Ferlo:

I have a number of questions on the implementation of the curfew relative to the police. First of all I want to kind of set the record straight and the environment straight. Recent reports in the media have attempted to set up some kind of conflict relationship between myself and my fellow Councilman colleague Cusick. I don't buy that, I don't consider myself to be at war or in any kind of struggle with him. What we are attempting to deal with here is public policy and rational people can disagree passionately about public policy without making them enemies. We are colleagues and we are trying to consider some very, very important public policy and that is the spirit at which I confront this legislation. That is even the spirit at which I dealt with the flier with the jackasses on the fence. I consider it rational, an attempt at rational debate to solve a very important problem and I take your legislation Mr. Cusick and all of your discussion in a positive regard.

First of all let me comment on House Bill 22. I don't think that House Bill 22 is all it's propped up to be. House Bill 22 provides for police powers to make warrantless arrests but as far as I can see within the language of House Bill 22, that does not allow for or provide for curfew activity. The way I read House Bill 22 is for example from an article in yesterday's Post-Gazette, the measure gives local police the further power to make warrantless arrests for violation of city ordinances but again only when there is ongoing conduct that imperils personal security of any person or endangers public or private property. That's what the bill says. Not if you are standing on the street but if you are engaging in conduct that imperils a person or public or private property and I would like to get -- when the exchange opportunity happens Mr. Chairman -- a reaction from the Law Department as to whether or not I'm reading this incorrectly because I am not a lawyer. I just try to study these bills in some depth here.

Secondly, when I requested on a hunch some statistics from the police department on youth violent crime statistics, what I guess to be the case turns out to be the case. According to the information that I have been provided on this current year's juvenile violent crime activity from the Pittsburgh Police Department, there are 209 arrests that have been made so far for juvenile violent crime. When we isolate the youth that are affected by this curfew and the hours that are affected by this curfew we find that of that 209 incidents of violent crime for the age group of 16 years old, they only constitute two percent of the violent crime activity during the curfew hours of that age group, that's 16-years old. Fifteen years old, only two percent, 14 years old only one percent and the younger age group trails off even lower.

We have to look very carefully before we pass legislation that is going to have a sweeping effect on 98 percent of the youth who are not out at these hours committing crimes. This is not a time for knee-jerk and popular legislation, it is time for us to consider carefully what we're doing and take our time about doing so.

Now the curfew legislation itself, there are so many questions in it that I will not bore this body with all of the details that need clarification such as when an officer stops. There are 13 or 14 different good reasons why youth could be out on the street when you look at the legislation. One of which is exercising their right, their constitutional right of freedom of assembly. Now I used to do that when I was 15 years old, exercise my right of freedom of assembly and that's okay by the curfew. If a cop just told me to move I just said I was exercising my constitutional right of freedom of assembly and I got a right to be here according to this curfew. Or if there is some other reason why the youth is on the street how a policeman would verify whether or not the youth going in this direction is going straight home or going in that direction as going straight home or going in that direction is going straight home. How that is verified, we don't have any guidelines to be

able to tell us exactly how that is determined. Most youth don't have identification, especially photo ID that tell us where they are and who they are. Youth don't have to carry that kind of ID and most of them don't. So the problems that can occur without clear and specific guidelines for both the youth and the police, those kinds of problems given the tensions that exist especially in my community between youth and the police we are setting up some very, very dangerous situations without those clear guidelines.

I would also hope and I assume that you are very serious about the role of the curfew center. The curfew center if this were to be passed is absolutely critical. We can't be arresting these hundreds of kids an carting them off to jail for these summary offenses and so the role and the commitment of the police department and the Mayor's Office to staffing and funding the operation of a curfew center is critical and I would hope that you would not want this legislation passed in the absence of such a curfew center.

Finally, let me say that since I have been calling for and talking to a lot of people about the need for a comprehensive response as has been suggested by President Ferlo, I have come in contact with the Youth Crime Prevention Council and my colleagues and I thank you for supporting my appointment to that council. I found that there is a lot of work being done by a lot of people in this city that I was unaware of until I got orientated by this Council and I'm confident that soon if the pace that the Council has been keeping for the last year or year and one-half continues, they will come up with a comprehensive response and I intend to join them and help push in that direction and I would hope also that the curfew would be held pending that kind of support surrounding such a curfew. But bottom line, I am very much opposed to the curfew for the reasons that I have clearly outlined. I don't think it is effective, I don't think it will work and I think that we will have to come up with a response that is much more comprehensive.

One other question I would like the Law Department to comment on relative to the City Charter and Council's role is whether or not Council has the authority to set fines as penalties for violation of city ordinances such as this curfew calls for a $300.00 fine for the poor little grandmothers whose kids are out on the street. I'd like to know if we have the authority to do that.

Mr. Cohen:

We have had many public hearings and discussions about this bill and finally it is up for a vote. I have struggled on this issue back and forth like a lot of us on Council have and every time that re-read the curfew bill I start by getting hung up on its imperfections and I think even the sponsor would agree that it is not a perfect bill but then end up by thinking about the children who are killed or wounded on the streets of

Pittsburgh and crime in Pittsburgh has gone down in the last four years but juvenile crime has skyrocketed.

I wish there were more specific guidelines as Councilman Udin says because we need to have specific guidelines and I hope that there will be. No, this bill is not perfect but we can't allow the perfect to be the enemy of the good. Many people have talked to me about the symbolism of voting for a curfew bill that the symbolism would be bad. Our job isn't to deal with symbolism. Our job is to try to make things better, to improve things. I heard the same thing on the proclamation about the Million Man March just last week. Many of my friends and constituents said the symbolism was bad in supporting the Million Man March but I supported it because I truly believe that the effect and that goal would be positive. The issue for me in this bill is that children are getting killed and we have to try something. My record on civil liberties is a very strong one and I strongly support the police sensitivity legislation and if this bill is enforced in a way that harms civil liberties then I will be the first as Chairman of Public Safety for this City Council to call for an investigation and for a public hearing and change or repeal this bill if we have to. You know what? The highest civil liberty is life and our job is try to save kids' lives. We may not succeed but we have to try.

Franklin Delano Roosevelt said in 1933 we must try something. If that doesn't work then we must try something else. Well, after all is said and done my view is let's try this and see if it works.

Mr Hertzberg:

My comments are going to be difficult to make in the kind of framework that you have set up here because I really need some interaction with these people from the other side of table but I will try to do it anyway at the risk of confusing everyone that is listening. But my position on this legislation depends greatly on the response from the Administration. I think it's very important that the Administration be on board 100 percent or this bill is a waste of everyone's time. The sponsor has told me at the Administration is on board but I want a response that indicates that their heart is really in it.

I would also like some response on House Bill 22. That legislation the right for summary arrest in the City of Pittsburgh is one of the most misunderstood situations I have ever heard of. I'm a criminal defense attorney myself and I'm not sure I understand what is going on, what the law was before, how this changes, it if at all but I am really interested in hearing from the other side of the hall and the particulars of this legislation about things like the age category that's been chosen here whether that is really the best age and times. If I'm satisfied that the Administration is satisfied and is backing this in

full force – it is a tough vote but nonetheless I will vote yes. There are features in the legislation that I like, some I don't like and I will submit amendments on. What I do like is basically the sunset type of provision that is here that says in six months we will review it again because if it isn't working or the abuse is flagrant, I wouldn't hesitate to change my vote and I think that is a good feature in it. Also, we have a delayed implementation date until January First of 1996 which would give us more time to get things together including any guidelines that will promulgate for our police to use in enforcing this.

The penalty provisions I don't like and I have discussed that with the sponsor and he said he'd be willing to amend those. I have concerns with the definition of permits as is defined as means to knowingly allow or knowingly fail to prevent in a situation that I have described before and I think Councilman Udin was mentioning your grandmother that really is doing everything within her control and simply can't control a young person. Under this legislation would nonetheless be subject to a fine and I find that unacceptable as well as the fact that the penalties are exclusively targeted to the adults. I think that adults should be penalized in some situations but in some situations the penalties should be strictly on the offender and I will be submitting amendments if we do go forward with this. As Mr. Udin who says he is not a lawyer but is doing a heckuva job analyzing this I think. As he points out the one exception that could wipe the whole thing out and is inappropriate which is your first amendment and there is no doubt about it that your average person that you're targeting here is generally exercising that right of assembly, they are out there with their friends assembled and talking and I think that exception would wipe the whole thing out.

The Chair:

We will get to your questions too.

Mr. Udin:

Point of procedure. Could you please make a call for the Mayor or one of the deputies to be present as a demonstration of the Administration's support?

The Chair:

You just did that and I second it. If they can come over we would appreciate it.
Mr. O'Connor:

I'll give a brief comment because I too am still studying this. I hear from it at home and in my neighborhood. I agree a lot with what Mr. Ferlo said in that 98 percent

of the young people are good citizens and most of the young people I talked to aren't for this and I'm talking about the 98 percent good -- unfortunately they don't vote so I don't know if they're going to have as much pull as the senior citizens who I've talked to who all definitely like it because it makes them feel good. My concerns are mainly would be the managing of it and as my colleagues here to my left are attorneys and look at the legalities of it, I look at the managing of it so I'll have a lot of questions before I make my decision on how it's going to be managed.

Mr. Ricciardi:

Thank you colleagues. Chief, my support for a curfew legislation here in the City of Pittsburgh is steadfast and I want to commend and thank Mr. Cusick for bringing this forward. It is not easy to bring curfew legislation before any governmental body and I think Mr. Givens and Mr. Grabowski and Ms. Madoff also witnessed that and I want to them for bringing this forward. Obviously later on during questioning I'm very concerned about House Bill 22 especially the lines that were read by Mr. Udin need to be responded to. I also would support this legislation only if there is an amendment that the curfew could not be enacted without 604.06 which is the curfew center. Meaning that if there was not curfew center that was established and met the guidelines that Mr. Cusick has delineated one through eight, that the curfew in terms of the hours could not be implemented and I think that needs to be put in by an amendment itself.

I think it is a good bill. It is going to protect not only law abiding citizens who are walking in the streets but also the children themselves and I think – I have always thought that government has a limited role to play with families only because we don't have the resources and the expertise but I think it's time and it has been stated that it does take a village to raise a child and I think we are at that point in the City of Pittsburgh and I think the curfew center does that. If there is a 12 year old who is out late at night there's a reason for that and I think the curfew center, the facility that is approved by the Pennsylvania Department of Public Welfare, a facility that is a drop off facility where they are going to provide immediate on site professional counseling to youth in their custody, professional counseling for parents or guardians of children who violated the curfew, professional counselors that will provide recommendations to magistrates in charge of the curfew centers. Centers with appropriate social service referral to violators and their families. I believe without a curfew -- because there is no way you are going to be able to bring a child or you are going to be able to influence a child to go to a curfew center, I believe without this legislation we are not going to be able to intercede with kids on the street for one reason or not.

Just recently a few months ago within one of our districts a 10 year old vandalized a park causing tens of thousands of dollars through a fire. That person needs help and maybe because of this curfew and professional counseling we can find out why that person needs help.

Mr. Udin was correct when we stated that there are a lot of people out there that are doing a lot of good and maybe through this curfew center we can bring them all under one roof. It's not a coincidence that we have had less gang violence here in the City of Pittsburgh. It's because we have Commander Gwen Elliott who has not received the publicity or the recommendation or the thanks that she should and that is one of the reasons we have had less gang violence in my hilltop communities because of her fine work and I think Mr. Udin has pointed this out. There are a lot of people out there doing much, much good and she's one of the persons but I will give up the floor so I can hear the give and take but I support this and I'm going to vote in favor of this today. It is much wanted and supported in my district and I think it is going to do well, it is going to be very good because it's going to be interaction with the families and the children to see why there is no reason young people should be on the street at midnight. With all due respect to my colleagues, I don't see their right to assemble at 12 midnight. I don't think they have their assembling for a goal or for discussion or for interaction. I think they are in need of love and affection and they're crying out and no one is doing anything about it and I think this legislation would do something about it. I disagree with one of my colleagues. I don't think it is politically expedient for Mr. Cusick to bring this forward, he's finding this out the hard way. I think it was a tough decision for him to bring this forward and I thank him for that.

The Chair:

I have a few comments and I'll go to Councilman Cusick for questioning and then we go around but we have to change paper.

Let me start off by saying I think Mr. Udin summed up this debate where he said we can passionately argue our points and we can disagree and doesn't mean anyone is right or wrong. That is what this body is for and this will be one of many issues that we disagree on and that we walk out of here united in trying to move the city forward for what's better for our youth and for the elderly and for the middle age or whatever it might be, we have different ideas of how to achieve those goals.

Starting with that, let me say why I'm going to support the bill:

One, I reviewed those statistics that came over and I don't dispute any of them. I stated earlier that I don't think the curfew is there to attack the crime issue. I believe the curfew achieves several goals and several of them are that we have some individuals that are 16 or younger out in the street and they may not be committing any crime. The question here is do we want these kids to be out that late during school nights or do we want to find out why they are out there and find out is there a problem at home, why is a ten year old running around at 12 midnight. I believe good can come from this. I believe we will find out if there's a problem at home, if there is a guardian structure there because if there isn't, we have a duty to these young people in the city to at least find out what is going on. I hear a lot about individual's rights and the right to assemble. I feel strongly in defending the First Amendment as much as we can but let's not forget that children are classified differently than adults and all I have to point to is the state law and the federal laws regarding the ability to mandate that kids go to school until they are 18 years old. I don't think anyone here would argue that a child has a right to assemble every day of the week and ignore school for 365 days because we recognize there is a better good for the public to educating our young people up to the age of 17.

Just like this body is going to debate the issue to 16 years old or younger, is there a policy that we want them somewhere under a roof before 12 o'clock? I believe the policy is yes. We want to make sure that these children are getting sleep which goes right to the educational process. That these children are being attended to. They are not adults but somebody is watching the store.

I have criticized parental guidance over and over again and yes, we have to put the burden not just on the parents but on the child but let's find out why these parents are allowing these kids out that late because parents have to be held accountable for bring children into this world. We can't ignore that fact. This isn't about picking on percent of the children that are good, this is about protecting 98 percent of the children that are good and showing that we care. I feel strongly about this bill and that it will help more than it could possibly hurt.

I hear comments about individual rights and civil liberties, that's a big issue for all of us here, we just look at it differently. I believe that civil liberties are under attack because some of the chaos that we have in some of our neighborhoods because people don't respect other people's individual right. With individual rights comes the word "responsibility". Somewhere along the line we lost the word responsibility and only look at civil liberties. Civil liberties and responsibility go hand in hand. When you forget about the responsibility then it's going to affect your civil liberties. You don't have a right to go out there and disturb people that are trying to sleep, you do not have a right to go out there and hang out on the corner and make noise or go out there and break the law

or whatever it might be. These are minor individuals and that have to live within the laws an learn what civil liberties are all about and the responsibilities that go with civil liberties.

Council President Ferlo talked about this being very politically popular, he's right. I'm sure every one of our districts have overwhelming support to support a curfew but just because something is politically popular doesn't mean you don't vote for it and it doesn't mean that it's wrong. This is one of those situations where the general public is right. They are crying out for something to be done in the neighborhoods and I will be the first to admit that it is very politically popular in my neighborhood and I represent what my population in my neighborhood represents and I am supporting of it, not because I'm elected by them but because I personally believe in this and I think it should be done. This isn't "a feel good" piece of legislation. When I read the bill I mentioned the public hearings. All of the hearings were in April of 1995 and this is anything but political expedience. And I sat at the community meetings where the Mayor stood up and said that we are going to have a curfew center sent over to Council because we need this and I believe that the Mayor is committed to this and I want to hear it today and we will hear it today that the Mayor's Office is committed to implementing the curfew and providing these centers that are necessary.

A few other comments. The comprehensive approach that was mentioned, it is absolutely needed and the Mayor's Office is the only part of this branch of government that can do that. We can pass it today and it could end up being a hollow piece of legislation but we need your side of the hall, the Mayor's side of the hall to actually put it into place. I have no doubt that they will do that and that's why I'm going to support the piece of legislation because I believe that the Mayor's Office is going to do the right thing and that is to give this a try.

Mr. Hertzberg pointed out that this does have a sunset provision which I think is an excellent provision only because the nature of this bill. We have to be able to evaluate the effect of this bill in 6 months, 12 months and to see if what some of my colleagues fear is actually happening because if it is I will also be the first or second to say wait a second let's repeal this bill because it isn't being applied properly and people's rights are being infringed. I don't believe that is going to happen. I believe there is going to be a benefit and we should move forward.

The issue of ID I've struggled with this issue personally. How do you stop somebody and ask them for their ID and if they don't have an ID because we don't want a police state where everyone has to carry ID to identify themselves. But I go back to the same scenario and the same example of a child who is required to be in school as a minor.

If someone is a truant, police officers somehow have to go up to that individual and it could be a judgment call if it's somebody that's 16 and might look 18, a police officer or a truant officer has to decide that this kid belongs in school or doesn't he. So these are issues that currently have to be addressed under current law. It's nothing new. It's an issue that's out there and I don't believe that this bill should be killed because of that ID question. I think the ID question has to be handled the same way that it's handled currently and it's a very critical issue because we do have to be sensitive to people's rights not to have an ID on them and when we get to the questioning section I'm going to ask how we currently do it with current law. But stating that, I'm in full support of it and I hope this bill passes today and that we give it a try. I am now going to turn it over to the sponsor of the bill, Mr. Cusick and open up for questions and dialogue with the Administration.

Mr. Cusick:

Thank you. I want to say I appreciate all your comments and I too agree very much with Mr. Udin in regards to the articles that have been written and also I want to apologize if someone had taken my flyer in a wrong way. I guess I should have stuck that donkey on House Bill 22.

Mr. Udin:

I think of several places where you could have put it.

Mr. Cusick:

I did not write House Bill 22 and don't agree with all of House Bill 22. I know what it does for my legislation and am very happy in that regards that I'll be able to move with my legislation. I do appreciate your opinions and whether or not you are in support of my curfew or not I hope that you will also participate in offering amendments if you see that this curfew is going to pass. I very much want to work with all of my colleagues in regards to this issue because it is an important issue for all of our communities.

If you get an opportunity William Ruffel from the Post-Gazette writes a very interesting editorial in regards to catching curfew fever and I really believe that he makes good points here.

"Youth curfew without social and anti-crime programs are useless and I think that's what my bill is basically designed or my intentions are in regards to my bill. I want to see more social services. I want to see more happen but before that can happen we

have to recognize and meet head on some of the social problems that society has. I don't think we have done that yet. I think by pulling these kids off the streets the ones that are out there in the wee hours of the morning, we will find out what is going on. Yes, I guess that if a child wants to use their constitutional right to assemble on the corner, you're right Mr. Udin, they can do that. Let's look at what we need to be doing here. I mean, at 1 o'clock in the morning children do not need to be on the streets; 11 o'clock on a school night they don't need to be in the streets. We need to be sending the message to them that they need to be home doing schoolwork, doing a number of different things other than hanging out on the corner. I don't think the message is that they need to be assembling on the corners of any streets in this city or country. I think for the most part if we can help acknowledge some of the problems, I think that Mayor's Commission on Youth will be a much better commission because then we will be able to tell them what we see is going on. The social programs that are going on, we will be able to direct them to provide better social programs to our city. Yes, I agree with you when you say we don't know half of what is going on out there in regards to the programming in the city and the different agencies and what they are doing, whether it be the Chief of Police. What my intent in the bill when I said to assemble, I meant organized assembling with adult supervision. I agree with Mr. Onorato. We put more restrictions on our youth than we do on our adults and there is a reason for that and it is for the good of the public and good for the child. This is only one more restriction that not only can be good for the child but it will enable the parent to play a better role by being able to say it's the law.

Mr. Udin:

Find out if it is the law.

Mr. Cusick:

Mr. Udin – those arguments, I understand what you are saying and they should be left up to the Law Department and others and I'm going to listen to what they have to say. I am not trying to be close-minded about this issue. When you brought up about sensitivity training within our police department, whether it be social -- I never had social services when I originated – the curfew originated. I never had that in mind. It was not until I went down to New Orleans and witnessed. If you have ideas or any other council member has ideas to make this a more effective bill please offer them. I'm more than willing to accept that. I think it Councilman Ferlo would agree with me. It was not until New Orleans that I saw that this should be looked at from a different way. I was more or less slap them if they are out there and then I found out that it would probably be better to turn the hand over and put a hand out.

I hope that for the most part that you also and Mr. Udin and other Council members that are against the legislation will also hold an open mind and work with us if we are able to enact this legislation.

I will be quiet here and I will let our Administration speak for awhile and then answer some of the questions.

The Chair:

Let me note that Deputy Mayor Tom Cox has joined the table. If we could have an official statement from the Administration before we even start with questions.
Mr. Cox: I want this out. The Mayor was publicly on record as supporting that he wants a curfew bill. He finds this bill acceptable. For us though it is not a matter of criminal activity, it is a matter of protection of children. We will not undertake any enforcement activity until we have the proper kind of administrative activity set up to receive young people who cannot be taken home. For us the only acceptable way and I want to let Council know is this Administration will enforce whatever provisions are in this but we will not do it until we are able to connect young people up to the appropriate level of social services.

Mr. Ferlo:

What does that mean? It's ended now and this bill is about to pass Council. What is going to happen now by the Administration and the police?

Mr. Cox:

Don't we have to come back to Council with an appropriate enforcement.

The Chair:

If it passes today, my understanding is that it has an effective date of January 1, 1996. You will have until the first to have something in place or when January 1 comes around you have two options. One, you don't enforce it or two, you enforce it and you're ready to go with it on January 1st.

Mr. Cox:

There is a level of requirement here of certain provisions we have to put in place.

Mr. Ferlo:

I guess what we're asking is that this bill is going to pass Council today for a final vote on Tuesday. You have basically a few months' time frame, January 1st, in which to implement the administrative model that you are talking about and I think what all of us not only myself and Mr. Udin but Mr. Cusick, we would all like to know what are the steps will you take following between now and the rest of the year – with the passage of this bill you have a couple months' implementations so what is it that will happen now?

My point is that all of us on Council whether we are for it or against it wants to know upon passage next week, what's going to happen on January 1?

The Chair:

Point of order. While I still chair this meeting, we are going to keep this – and I think I have been very fair to hear everybody's point of view and we are going to let every question be asked. Right now there's a question on the floor if the Deputy Mayor would like to answer that please answer that and then we'll make sure everyone's question gets asked.

Mr. Cox:

As you know there is $50,000.00 in the budget from last year's capital budget and the Mayor wants to set aside the balance of his U.L.O. funds for implementation, social services part. I have instructed David Farley who can tell you more in detail but I've asked David to please interface with the social service institutions, the universities to begin to prepared for implementation as of the First of January, so David, maybe you can tell them a little bit more of what the status is.

Mr. Farley:

I think it is important for Council to understand that is not the beginning of that process that shortly after this bill was proposed, we started to ask those questions with respect to implementing a center and what should go into it. I've already had a series of discussions with Doctor George Bord who is the Chairman of the Human Relations Commission who has very kindly convened a group of people from the University of Pittsburgh that are looking at that very question of what ought to be in such a center. What is enough to do because we don't have unlimited resources, what's too much to do, what don't we really need to do but do we absolutely have to do. Because within the context of the Youth Crime Prevention Council that Mr. Udin mentioned are many, many

activities. The Mayor and all of this Council do not have the sole responsibility for youth in the City of Pittsburgh. Other people share in that responsibility and they are members of that effort and it is our challenge conjointly here to try to get the use of other people's resources and time.

Mr. Cox:

One of the things we talked about is the CISP centers.

Mr. Farley:

I've already had discussions with the Director of the Juvenile Probation Program, Joe Daugerdaus who has volunteered the use of his real estate which is again another way to contain the ballooning cost of the activity.

Mr. Cox:

Mr. Ferlo, we can't tell you today what the program will be. I guess we had assumed we would have to come back to you and tell you what it would be as a matter of either communications or a matter of law. I am not able to tell you all of the details but we have what we think are sufficient financial resources, we have the locational opportunities in the CISP centers and we will be working to put the details in place.

Mr. Ferlo:

Could I ask because this bill is likely to pass that you forward to us between now and a final vote just in theory or in practicality what the steps are that you will be taking between now and January 1st relative to the implementation and enforcement of this bill.

Mr. Cox:

Absolutely.

The Chair:

I will go up the side here. Could I hear from the Administration as what you consider to be the legal requirements of the City in providing for the children while they are in custody.

Mr. Cox:

I'm not sure I am the best person to answer the question. Maybe the Chief can answer that or our Solicitor because it would go to what the minimum requirements are when anyone is in our custody and maybe you would be better prepared to speak to that.

Chf. Buford:

I can give you an overall. These juveniles would be technically under arrest.

Mr. Udin:

They are under arrest.

Chf. Buford:

Yes. Therefore we have to not guard them as closely with prisoners but they are in our custody and we are responsible for them so we would have to put in place certain factors that would observe the juvenile, perhaps cameras or monitors. We would have to come up with some type of bedding and feeding. We would have to have something in place in terms of medical care or phone numbers or anything of that nature because technically they are our responsibility once we remove them from the street.

Mr. Udin:

Armed security?

Chf. Buford:

I don't envision that.

Mr. Udin:

What kind of personnel would you anticipate? This is 24 hours, right?

Chf. Buford:

Right. That we have to work out. If we are talking about utilizing police officers, we are not going to take the weapons off the police officers because that is part of their equipment. We have talked about utilizing volunteers, social workers and these are things we have to work through.

Mr. Udin:

All of this can be done either in kind or for $50,000.00, $150,000.00?
Chf. Buford: We are evaluating that now, I'm not sure of the cost.
I would like to see a cost estimate on what the minimum legal requirements would be for keeping these children in custody if you could, I'd appreciate that.

I would like to hear from the Legal Department, the Solicitor, regarding the issue that I raised earlier about whether or not House Bill 22 in your judgment pertains to the children on the street otherwise not violating any laws.

Ms. Diggs:

The ordinance as it's currently drafted is probably among the most well drafted curfew ordinances in existence. That primarily is because of the exception. That's what allows this ordinance to probably withstand a constitutional challenge because we have exceptions like freedom of assembly and that's why I am in violation of the curfew ordinance.

House Bill 22 does not automatically authorize a blanket implementation of the curfew ordinance.

Mr. Udin:

It does not?

Ms. Diggs:

It does not. House Bill 22 allows the authority to arrest for summary offenses, however, the language in House Bill 22 still requires that there be some finding that the person is being arrested in a situation which imperils the personal security or property interest of that person or other party. Fundamentally, underlying the whole concept of arresting, physically taking custody of a person for violation of a summary is the concept written into the Criminal Rules of Procedure that this situation should only occur in exceptional circumstances. I don't believe or at least I have not been provided with documentation which would show for instance at a federal court level that we can say every time a juvenile is in violation of the curfew there is an exceptional circumstance. Normally exceptional circumstances are things like the person is a risk of flight or that there is a threat of violence or that there's eminent violence and we would need to be able

to show those kind of circumstances impacting on every juvenile that that we took in because of violating this particular summary which puts us almost back to the position where we were when we were using the eminent danger language which is still in the curfew that we would need that arresting officer to be able to say "I picked this juvenile up, took physical custody of this person because this individual was in some particular peril at this time because they were in this location." That is the standard that we would have to be able to meet at the constitutional challenge level and I don't believe that House Bill 22 negates that. House Bill 22 is still with the understanding that there are exceptional circumstances under which you would arrest a person for violation of a summary offense and this is still a summary offense because it is a city ordinance.

Mr. Udin:

Do juveniles who are arrested under these circumstances if they were arrested and taken into custody would they have to be fingerprinted Chief?

Chf. Buford:

No.

Mr. Udin:

What kind of permanent record would there exist?

Chf. Buford:

There would be a log record to show the intake, what happened at the facility, who is the juvenile was turned over, what type of social agencies recommended to the family and things of that nature.

Mr. Udin:

Thank you.

The Chair:

Point of order because I think it's the same question but it's on this point. The issue over what you just said about House Bill 22. With all due respect, I'm confused only with the fact that this body was asked to hold this bill at the Administration's request because they wanted this passed. Now it's passed and we're hearing -- I don't mean you

personally – the Administration is telling us that it doesn't matter that it passes, it's still the same problem. I'm a little confused on why we're even asked to hold it then because I'm hearing two different things now. This bill was irrelevant to us voting on this is what you're saying.

Ms. Diggs:

That's my opinion.

The Chair:

That's your opinion or the opinion of the Administration?

Ms. Diggs:

I definitely don't speak for the Administration. I'm giving you what I believe would be a –

The Chair:

– point of order. When the Solicitor comes to this table it's the Solicitor of the City of Pittsburgh. I respect your personal opinion. Is it the Administration's opinion then that House Bill 22 is irrelevant? That's the only question I have. Because if it is, I want to know that.

Mr. Cox:

The Solicitor does not represent the Mayor who represents the city. It is the Mayor's opinion that we needed House Bill 22 in order to give the police department the authority to detain a juvenile or any person in violation of a summary offense.

Mr. Ferlo:

Mr. Cox, the Deputy Solicitor is saying that there is such a standard created that's not going to be met by uniformly enforcing curfew for all individuals. And up until this time I think all of us were lead to believe that in passage of 22 would be the enabling legislation to arrest for summary offense for a curfew and at least the Deputy Solicitor is saying clearly and distinctively and I'll defer to Mr. Hertzberg who is the criminal lawyer that that is not the case. So could we get a formal written opinion now?

Ms. Diggs:

The point of legal analysis is what I'm attempting to convey to you in terms of what House Bill 22 is, how that supports or does not support the curfew ordinance.

Mr. Ferlo:

But what you said at least what I understood was that it does not support the uniform --

Ms. Diggs:

-- I don't believe that House Bill 22 provides blanket authority to pick every juvenile up.

Mr. Ferlo:

Up until now we were led to believe that the impact of passage of 22 would be to enable the municipality to uniformly arrest for summary offense based on the language of the curfew and that's not what I'm hearing you say but in any event, could we have a formal legal opinion from the Solicitor relative to this issue?

Ms. Diggs:

Yes.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

I'm still -- again, it seems to be evident that we will be passing curfew legislation if my mathematics serves me well at this point. But again, with the curfew center I'm concerned about the allocations of the money. We can talk about broad-ranging youth plans, etc. What is our proposal? What is our broad-range proposal for our youth? Is it the curfew center? Is this where they are led? I'm still very concerned about the allocations of money. We sit here at this Council table and we can argue over the littlest of items -- I mean $200 -- and how is that spent. We're talking a couple million dollars and I don't think -- excuse me. I do believe that it's going to cost a lot more than what

the Administration is saying. I came from the School Board and I know about enacting programs that affect youth and inevitably it always exceeds the budgeted amount. I would say 90 percent of the time, it could be a little bit, it could be a lot but again the implications and who knows if we're going to get sued. You said it could withstand a constitutional challenge. If one of the youth or one of their parents happens to be litigious or are very aware of the law, we have to prepare ourselves for litigation and whether they win or not in court. The bottom line is that it's costing the City money to litigate and that's the reality.

I'm glad the Chief is at the table but I don't know if I'm going to get an honest opinion whether the police feel this is really going to help. I need to know from those guys and gals out there doing the streets. Is this going to help? Hundreds of thousands of dollars for a curfew center. Is it going to make a difference? What we have now compared to what will be, what will be the impact? If we have maybe a few kids detained and get help, think of how much money that is and think of how much money could be allocated in a more efficient fashion.

Thirty million dollars, we're going into budget deliberations. Do we need a curfew center? Maybe that money could be better spent in helping to improve our whole community thing – Councilman Ferlo had suggested that – our community oriented policing initiatives, the whole psyche behind that to help. Right now we have one officer, one shift or two officers or whatever at the C.O.P. thing, maybe we need a night-time C.O.P. officer. Again, I just want to make sure that the moneys are spent wisely. Are we going to be picking up the kids that best need them or will we be picking up kids that the next day could probably be picked up without this legislation because they've committed some kind of crime? What kind of kids are we going to pick up? Who are the police going to pick and choose who gets the intervention because ultimately that will be it. In the middle of the night it will be a police officer determining who gets the intervention supposedly at these curfew centers for these kids. Are these all the kids that need to be targeted?

I echo Councilman Ferlo's sentiment who I think has been -- of all people – I know his track record on civil liberties and to seriously consider a curfew, really raises a flag for me. That there is some merit to this but again we have to balance the merits versus the disadvantages and ultimately I'm looking at -- I don't feel there is a total commitment from the Administration. That's not my gut. Now whether you say yes or no I don't feel it. I think this is going to be a feel good thing that there will be some initiative to enact the centers and Lord knows how many, whether they're going to be. Maybe the cops will say "Okay, fine we have to pick up the kids just because they're hanging around like we don't have anything else to do at this time of night except pick all

these kids up off the street." Again, I'm very leery of the Administration's total commitment towards making this work positively. I don't feel it and that's basically a comment and a question I'm throwing back. Has the police force Chief, have they bought onto this?

Chf. Buford:

As you know, we're instructed to enforce the laws of Pennsylvania. If this bill is passed we will enforce those laws. There are some things we have to work through. We have to consider the overtime factor.

Ms. McDonald:

That was one of those extra costs that I was referring to that there's a lot of hidden costs that we don't think about until it's put in place.

Chf. Buford:

We have to consider the calls for service. We have to consider our average percent of officers that remain in the zones on a daily basis. Should we change that ratio depending on the neighborhood? So there are a lot of concerns we have to work through in order for this to work. How do we manage the calls for service? Citizens calling in merely because youth are walking through the neighborhood. We have to factor in the court time. Will it work? It's manageable as long as we can work it out. When we come back to the table and Council hits up with a high premium pay for the police then you have to consider what that premium pay entails. What's manageable, what's not manageable. What's controlled, what's not controlled. Court time is not controlled. It's very difficult to control the cases in court but yet year in and year out we get hit with a high premium rate. So these things have to be worked out before the total packet is ready to be presented.

Ms. McDonald:

That basically gets to some of the responses that I needed to hear as to implementation, the cost, is this the best use of money and basically you've answered it. We already have problems in containing our costs. I think that even though we say a center will cost this, the County will give us that and I'm sure Mr. Cusick has a vision of good programs and I think there's not one person at this table that would disagree that there could be intervention agencies and people there that could help out. The bottom line is all these hidden costs. During my former days we would implement a program

and the hidden costs would be salaries, building costs, you name it, and it would come at us and it would almost double our initial figure that we had voted on and this is what I'm getting at. It's a big ticket item and if it's going to make sweeping changes in our crime rate, in saving our youth, fine then it's money well invested but I still have not gotten a full answer that makes me confident in this legislation whether it goes up or down. Is this going to make those sweeping changes that we need with all the police sensitivity and the intervention and this and that and the C.O.P. we can talk that stuff but is it going to make that much of a difference? If we never have a curfew is it going to make a difference? Will we see everything plummet? We're at a state right now that I think we need to address and to put in place a whole different component of a curfew and all the financial and management and contractual and whatever implications thereof. We really have to think very carefully on it before we enact it and again and in litigation and I understand -- I agree and I'm glad that you spoke that you were given permission to speak because I think it would be constitutionally defensible because of the exceptions, not the spirit of it but the exceptions. And I wonder if kids walking up the street people call -- kids are out there come get them. The cops show up like they have nothing better to do than to address kids hanging around on the corner. You all have to leave in the car or whatever. How many kids are that stupid? I have kids and they're not dumb, they know how to get out of things. They show intelligence at the times you don't want them to, that's when they show it. I'm exercising my constitutional rights. What is a cop supposed to do? Again, that is a big problem that I have is just that. I think Mr. Hertzberg pointed that out too. They're always going to say that. If I know kids that's what they're going to say. They're going to get out of this so I'm wondering, we've spent all this money on a curfew center and what happens? It's empty. Why? Because every one is exercising their constitutional right to assembly. It's the logistics of it. I would like Councilman Ferlo to pick pieces of it and implement that.

Mr. Cusick:

In regards to the litigation that the City could get involved in I would agree. I don't think for a second that the ACLU would not challenge Pittsburgh's curfew or major cities. It amazes me why they don't challenge all the curfews. Bellevue just implemented a curfew and many of the municipalities around the City of Pittsburgh. The ACLU thinks that the City children should have their constitutional rights protected but they don't in the municipalities and it bewilders me why they feel that way. But the American Association for Rights and Responsibilities has offered their free services for any legal challenge that me may incur which is related to one of the major law firms here in the City of Pittsburgh. It's the social services programs and like the University of Pittsburgh that are going to provide many of these free services to us in regards to the curfew program. I was hoping that we would have one judge appointed to watch over this whole thing and

yes we can control when court would be in session and maybe that could be done in the evening hours when these police officers are on. There is a lot of different things. I think to say this is going to cost us a lot of money and it is not worth doing it is the wrong attitude to take. I think the Administration has been meeting, have sat down and are finding ways of getting around of paying the big buck here and I applaud them for that. I know Mr. Cox has been involved in many discussions with individuals to try and get the pro bono work done and I think they will be successful in it. I know the University of Pittsburgh is excited about the whole idea and I think they ought to continue and instead of worrying about – I disagree with you that it costs too much.

Ms. McDonald:

Take the money and add a couple more cops. Give cops specialized training and helping the kids at night directing them without abusing or violating their constitutional whatever, okay but to work with the youth that they see on the streets. I would rather allocate that money towards making the cops more effective in dealing with the kids out there than to tell them "you're not allowed on the street." I think if you allocate the money properly you can get a lot of those kids off the streets, it is how you do it.

The Chair:

As a point of procedure, it's 1:25 PM and we have an advertised public hearing at 2 PM that is televised. I want to keep the questioning going if we can.
Mr. Hertzberg: On the issue of this exception within here for exercising First Amendment rights protected by the U.S. Constitution such as free exercise of religion, freedom of speech and the right of assembly. If there are two individuals out there and they're talking, they would be exercising that right of assembly if I'm not mistaken.

Ms Diggs:

Yes.

Mr. Hertzberg:

Now if we were to take that provision out I don't think we would be violating anyone's constitutional rights.

Ms Diggs:

If we took that exception out? If we indicated that that particular exception would not alleviate you from being found in violation of the ordinance?

Mr. Hertzberg:

If the ordinance were passed and it didn't contain that exception.

Ms Diggs:

Then I believe this ordinance would no longer be among the most well drafted of curfew ordinances from a constitutional point of view.

Mr. Hertzberg:

I want to point out because I have seen this term thrown into some of the other provisions on this area before. When you go to school you give up your first right amendment. I can't stand there and disrupt the class. I want to exercise my right of assembly with give students over in the corner of the room. You have to at some point certain rights have to be sacrificed for an appropriate purpose of this government which is to try to maintain order and do all of the other things we're trying to do here including protecting young people so I think that is a dangerous exception.

Ms. Diggs:

If I may suggest that when you get to the point of saying that certain constitutional rights need to be sacrificed, at the very least the courts are going to require that you show some compelling reason why the state is saying this right needs to be sacrificed and that is part of what happens in schools. The state has shown a compelling interest in having its youth educated. We would need to show a compelling interest in having juveniles off the street at the time we wanted the curfew to be implemented and that's why I'm saying House Bill 22 just by itself does not then say now the City can take all juveniles off the street. So it's not that House Bill 22 is irrelevant. House Bill 22 is relevant because without it we don't have the authority to arrest for violation of our summary offense at all. Now we will have the authority in certain specified situations and I am suggesting that from a legal analysis point of view violation of the curfew does not necessarily fit into the circumstances that have been set out in House Bill 22. So it's not appropriate to say House Bill 22 is irrelevant. It's very relevant.

Mr. Hertzberg:

I'll get back to 22 but let me comment where we started out at with getting rid of the exception and our compelling interest in sacrificing the rights and I think that holding – how many hearings we held, how many times we have discussed this on the public record, how many statistics we've placed on the public record and our findings that precede this ordinance. I think we've done as much as we can do to show a compelling government interest and reasons to do this. And on House Bill 22, I think the construction of this bill where the first step by the police is always, "Tell the person, the minor to go home." I think we are going to set up a framework with that kind of statement where I think if the person goes home that is the end of the story. If they don't go home they are going to say why and at this point our officer may find out that they have the reasons that are specified in House Bill 22 that this particular individual may be in some danger for whatever reason that they can't go home or – they don't have a safe place to go. But I think the way it's set up it will fit in with the framework of House Bill 22. Again, if we go through the proper steps and the implementation is setting this up.

Deputy Mayor, I wanted to be sure of a level of commitment. This bill calls for a curfew center and with various items that the curfew center is to contain and that is the intention of the Mayor's Office to set this up in conjunction with a lot of other agencies.

Mr. Cox:

I guess our assumption has been that it may not be prudent to have officers in the East End taking people to a center that happens not to be located there but if there is a system there we can arrange with the social services to be de-centralized and I believe that's more the way we want it.

Mr. Hertzberg:

More than one facility.

Mr. Cox:

In our view these are safe places where the young people come in contact with services. They are not meant to be places young people want to be. We don't envision them being recreation centers. It is a place where serious business gets transacted. Councilman, is the language that confusing the people?

Mr. Udin:

Yes.

Mr. Cox:

It's a place that is not in use during the time of the curfew that is available and it will have the social services in them but it was a way to meet the issue of costs. These are places that are already available and there will be no other people in them during the time the curfew is enforced and there is no connection between the CISP people because they will be gone at the time this is in effect.

Ms. McDonald:

Please be aware though that there has been much controversy in some of the neighborhoods that I'm aware of including mine in which residents didn't even want the CISP center and to turn it into a –

Mr. Udin:

Are those city facilities?

Mr. Cox:

No, the County Courts.

Mr. Udin:

Do you have access to them?

Mr. Cox:

They are committed it, yes.

Mr. O'Connor:

I am glad to see there's a lot of good things here and a lot of good intentions and I want to thank Mr. Cusick for at least – at first I thought it was ten o'clock and I thought it was too soon, especially young people that are 16 years old and have a driver's license to take their girlfriend somewhere and I'm glad to see you moved it back.

Looking at this and I do like the idea that now if a cop sees a kid and he tells him to go home so that's as easy as we can do. One of the problems though and I think we're look-at 88 C.O.P.s that we have or beat cops and they are to interact the neighborhood get to know the kids and they know that one or two bad ones out of the 100 good ones. The problem is I think in almost all cases C.O.P.s are finished before 11 o'clock, aren't there? So that takes 88 cops who really know the good and the bad kids and I don't think we're going to change all the rules just to have a cop walking around at midnight just to see if there's any kids out there. So I that I see as a little bit of a management problem to pick out the good and bad ones.

Presuming you tell you a kid to go home and for whatever reason he or she doesn't. Evidently, or they are having a bad day or the cop is having a bad day or for whatever reason even a bad guy I would think -- would say he's going home even if he doesn't. What happens if you have to pick him up? Do you have to handcuff him before you put him in a car?

Chf. Buford:

We wouldn't handcuff them but we certainly would pad them down and search them.

Mr. O'Connor:

You have to search them because unfortunately --

Chf. Buford:

-- that's the danger factor.

Mr. O'Connor:

The one out of 100 has a knife or a gun. Okay. What happens -- instead of these centers that we're all talking about and this is good or bad, taking them to the neighborhood zone stations? Can that be done and just pick up the phone and call mother or father and say your kid is here and he/she broke the curfew and gave us a hard time or maybe he's drinking a little bit. Is there some reason why it's gone this far? Can that be done?

Chf. Buford:

We do that now. I don't know if that would serve the overall purpose of why we want to remove kids from the street. I think the whole idea of removing youths from the street and placing them in a designated facility to be evaluated probably makes more sense as opposed to taking them to a police station with other criminals being taken in and out.

Mr. O'Connor:

Do all criminals go to the zone stations?

Chf. Buford:

No.

Mr. O'Connor:

Who goes to a zone station now?

Chf. Buford:

Most arrests are taken Downtown. However, if there is a question mark in an arrest or there is a over-crowded problem in transporting the prisoner then we take them to the local stations to remain there until we can transport them down to the Downtown facility.

Mr. O'Connor:

In most cases our stations aren't being used too heavily.

Chf. Buford:

That's right.

Mr. O'Connor:

If you did take them there or to a center, what protection do we have – I'm concerned about the kid who evidently at 11:30 something is wrong where he is going to give a cop a hard time, the suicidal rates are high and we just heard about a tragedy in the

news, not in Pittsburgh, but a young person, for whatever reason either they were high or drinking or they're upset or whatever, what protection do they have against that?

Chf. Buford:

Any juvenile that is picked up for a major violation –

Mr. O'Connor:

– this is curfew.

Chf. Buford:

As I mentioned before the only thing I can see that would fit in would be the fact that we would be transporting juveniles to a facility where criminals are.

Mr. O'Connor:

You have to have all the same precautions that you would any other criminal.

Chf. Buford:

Yes. The standard of security would be raised significantly in terms of placing a juvenile at the police facility which would require police officers, armed police officers, watching the juveniles.

Mr. O'Connor:

What time does Juvenile Court open now for business?

Chf. Buford:

It's 8 AM.

Mr. Cox:

In response to your question, the care of the individual is a deadly serious matter. We have to exercise all the caution that we possibly can to keep the person safe because the whole purpose of this is safety. I want you to understand, the procedure that the police will go through here will be substantial because it will be dedicated to safety.

Mr. O'Connor:

That is a concern and you have to do it. I am trying to figure out can it be done? I think the general perception is to pick a kid up take him to the center and go home. We argued for hours about where a cop can get gas and these are all the managing questions that I'm concerned about. And what Valerie said about the cost of a center whether it be $100,000 or $1 million, I'm trying to look at an angle if you take him to a precinct at one in the morning no parents are around so if the parents don't come and get them then we know he or she has a problem, can we transfer him to juvenile court where there's a social worker on staff right now, can these things work?

Mr. Cox:

Our vision of this is not that we will hold a child until court. The reason we're looking for space is to be able to have a social service element available at that time.

Mr. O'Connor:

You're saying seven days a week we would have to open some centers and it would have to be manned by social workers.

Mr Cox:

Enough of a presence that we start an intake process to find out why a young person is on the street at night or whatever time is that they are there.

Mr O'Connor:

Couldn't it start at seven in the morning at Juvenile Court?

Mr. Cox:

It could but again we're trying to avoid criminalization. If you have a young person, a 16 year old in a jail cell all night long, it's hard for them to distinguish between being arrested for a crime and then being there because of their safety.

Mr. O'Connor:

Even if he's taken to a nice center where there's a nice social worker he still has to be guarded. What do we do with him at three in the morning?

Mr. Cox:

I want to give you the goals we are working on which is to engage this young person at a fairly early stage about services.

Mr. Cox:

The sell part of it is only for safety, it is not so much for criminal.

Mr. O'Connor:

One last thing. Again – how can you tell a 16 from 17-year old that it's very, very hard. I know people who are doormen at a bar and they just -- in fact, at the stadium now it says they're going to question them from 30 and under so if you're 30 don't feel bad. It's so hard to tell with the ages. How are you going to determine if a person is 16 or 17?

Chf. Buford:

It's a judgment call. Police officers have techniques to try to extract information from juvenile minds but if we can't determine that a juvenile is of age then in most case we will remove that juvenile and take him to a facility until we can determine his correct age.

Mr. O'Connor:

What happens if you pick up a 17 year old who you think is 14 or 15 and maybe is a wise guy and your guy picks him up and takes him in and his mother comes down with an ID and now he's 17. Are we getting the lawyers rich again?

Mr. Ferlo:

It's Edgar Snyder's kid.

Chf. Buford:

These are matters we will have to work out through our rules and regulations. That is a significant part of the total program. We don't want to remove juveniles from the streets that are of age so we have to work through that to make sure we are on legal ground.

Mr. O'Connor:

These are some of the questions. I know you guys took trips and I don't know how they did it anywhere else, maybe we should ask them and I would also like – I know Bellevue and them have a curfew and I'd like to know how many people they really -- maybe it's one a month we're going to affect anyhow and I think this is a big deal but maybe you will be affecting a few people.

Mr. Cox:

Act 22 speaks to this directly. It says here that the right of arrest without warrant shall be permitted only after by employing the police officers promulgates guidelines to be followed by a police officer when making a warrantless arrest under the section so before we can implement this we will have to issue guidelines around that very issue.

Mr. O'Connor:

So that needs a lot of work.

Mr. Cox:

Yes.

The Chair:

In the interest of time real brief. Chief, just to Councilman O'Connor's issue is what I brought up earlier. His questioning about making a judgment call. You do it every day but what happens if you see a kid at 1 o'clock in the afternoon that looks like he should be in school and he doesn't have ID What do you do?

Chf. Buford:

We normally take him to the police station to try and get in touch with his parents.

The Chair:

It's the same judgment call and we have the same risks if we pick up the wrong kid then if we would have if we picked him up for the curfew. The police are going to use the same standards.

Chf. Buford:

Yes, the same standard. The problem would come in and selective enforcement in certain neighborhoods that are overly sensitive causing some type of overreaction because of the juvenile being removed.

The Chair:

To the Solicitor in the interest of time, I think House Bill 22 makes it very clear that we can do this. However, what I would like to see if you can provide all of us by final vote can you give us the case law that gets to the point that you are bringing up which I find interesting and that is the issue of the First Amendment rights and what you were concerned about. At least show us what the case laws are because it's my understanding that there's actually conflicting case law going up to the Supreme Court and they really haven't decided yet. I would like to see the arguments and what's in the different circuits out there because I understand that it's getting close for the Supreme Court to make a decision on curfew bills just in general.

Ms. Diggs:

I'll get that for you.

The Chair:

Okay Solicitor, you may want to comment on this too. The items that Mr. Hertzberg brought up are First Amendment issues. If they weren't in this bill -- if I'm not mistaken, just because they're not listed as an exception, no bill that we pass here can override the Bill of Rights. They don't have to be in here and I think that is the way I look at this. If we were to amend these out and there was a conflict between this bill and the Bill of Rights First Amendment, obviously the First Amendment would override and what Mr. Hertzberg and I think he's agreeing with me on this is that public policy is that there have been pieces of legislation particularly for juveniles in school cords that the courts have allowed us to take away some of their rights for a better good and that means you have to go to school while you are 17 or younger. That until they rule curfews

unconstitutional I think that these shouldn't even be in here and that we should move forward. That's my opinion and I can't make a motion so I will ask for a motion to delete them and if not I'll try again next week in writing. But if you want to address that in the opinion that you send up too I would appreciate it.

Mr. Udin:

Just quickly, on the question of the custody of these children, how do you now search women

Chf. Buford:

It would depend on the incident. We normally conduct a -- police officers are permitted to conduct a pat-down search.

Mr. Udin:

Male police officers pat down females?

Chf. Buford:

Depending on the circumstances.

Mr. Udin:

Under normal un-threatening circumstances.

Chf. Buford:

If it requires inner-clothing search then we would call a female police officer.

Mr. Udin:

But a male could pat down -- what about in this situation where we have juvenile females arrested for curfew, would you have these men patting down these young girls?

Chf. Buford:

It would depend on the circumstances. The outer garment in a dangerous situation --

Mr. Udin:

--not a dangerous situation, just the curfew.

Chf. Buford:

We'd have to work that through our rules and regulations.

Mr. Udin:

I'm asking what the rules and regulations are, what would you do?

Chf. Buford:

What we do now is we pat down. Males are permitted to pat down the outer garments for safety.

Mr. Udin:

Would these males be patting down these juvenile females? That's what I'm asking you.

Chf. Buford:

It's a high probability.

Mr. Udin:

Wow. I'm most concerned about the males patting down the females.

Secondly, the clarification that I would hope that you would bring back in terms of the costs is not just the costs of warehousing these kids in some CISP center. This legislation requires that you will provide a youth curfew family resource center that will pass the muster of license by the Department of Welfare that will provide professional counseling to the youth, that will provide professional counseling to the parents and the guardians of the youth. That will identify and segregate a magistrate who is assigned to these youth and that will provide social service referral to the violators and their families on a 24-hour a day basis for men, for males and females. That's the legal cost estimate that I want to see you do for $150,000.00. Thank you.

The Chair:

Thank you. I am asking for an amendment to delete if anyone wants to offer it. Those items 18, 19, 20 and 21.

Mr. Hertzberg:

So move.

The Chair:

I'll second it. Now, on the amendment?

Mr. Ricciardi:

Discussion on the amendment.

The Chair:

There's a motion on the floor to delete Items 18, 19, 20 and 21 under the Exceptions.

Mr. Ricciardi:

With all due respect to the maker of the amendment I'm not sure who made it but I'm going to abstain on that until I read the written opinion that's going to be coming from our Solicitor's Office and you requested that it be a part of it so I couldn't vote either way on that and just as a courtesy I'll abstain on that for now.

Mr. Hertzberg:

Mr. Chairman, I suggest you withdraw it especially during this late hour.

The Chair:

I'll withdraw the second and we'll bring it up on Tuesday then.

Mr. Udin:

I have an amendment. That the time limit on this bill not take effect until the youth curfew center is in place.

Mr. Ricciardi:

Second on that. Thank you Mr. Udin for bringing that forward. I did make that suggestion however, it got lost in the paperwork so I will support that and I think Mr. Cox had agreed to that, meaning that we shouldn't institute the curfew itself until we have a preventative curfew center enacted and ready to go.

Mr. Cox:

I assume that's the law.

Mr. Ricciardi:

It could not be because they talked about severability.

Mr. Cusick:

It says January 1st you would have to have it together.

The Chair:

There is an amendment and it has been seconded. All in favor? Opposed? The ayes have it. Now on the bill as amended, any other motion for amendments? Roll Call vote on the bill as amended.

ROLL CALL

AYES	NOES	ABSTAIN
Mr. Cohen	Mr. Ferlo	Mr. O'Connor
Mr. Cusick	Ms. McDonald	
Mr. Hertzberg	Mr. Udin	
Mr. Ricciardi		
Mr. Onorato		

AYES 5 NOES 3 ABSTAIN 1

Prepared By: Mary Anne Hruska
Stenotype Reporter

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 31, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning, everyone. We have some special guests in the audience, we'll be getting to them shortly. I would like to welcome everyone here.

And, at this time, would you please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have three young people here today. They're 2nd Graders from the Beechwood Elementary School, Katie Cusick, the daughter of our colleague Councilman Joey Cusick, as well, Ryan Wood and Christine Schreiner. They are all seven years old. They are going to lead us in the Pledge of Allegiance and a moment of silent prayer. I don't know if it's sacrilegious here to be in these uniforms. But, in any event, it is Halloween and we'll give them a special dispensation. And, we have Dr. Patricia Kupec here this morning, and we are very pleased to see the Principal here from the school. Thank you very much. And, they're going to lead us in the Pledge of Allegiance.

Katie Cusick, Ryan Wood and Christine Schreiner:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. The parents might like a picture without all the masks, if they want to -- if you want to get Mr. Ryan there to take his -- we're going to get one picture for these three kids here. Katie, Ryan and Christine, thank you very much for the picture. And, we also have Johnny here, John Cusick, the son of our

colleague, also, getting ready for Halloween here.

Good morning, and thank you all for coming down here today.

At this time I would like to introduce Councilman Cohen and Councilman Onorato for a joint resolution. Councilmen.

Mr. Cohen:

Good morning everyone, and could Jack Robinette and company please come up here to the podium. Everyone, come on, not just Jack. That's right, come on up. I hope I have all your names.

This proclamation is being introduced by Councilman Dan Onorato and myself. Hopefully all of you are aware of the Hospital Council of Western Pennsylvania. It is a very important non-profit organization that represents, I believe, 92 hospitals and health facilities in 30 counties. It's especially important in Pittsburgh for two obvious reasons, one is the high percentage of elderly population that we have in the City of Pittsburgh and, therefore, health care becomes such a very, very important, important thing in the City. And, secondly, it is a very important economic generator, providing many, many jobs in the City of Pittsburgh.

And, the Hospital Council is holding a very important dinner, called Prime Time, I believe, on November 17th, and at that dinner they are honoring a man whose name is synonymous with health care in Western Pennsylvania, and that is Jack Robinette. Jack has done a fantastic job for 20 years as President of the Hospital Council of Western Pennsylvania. His resume is too long for me to be able to read here this morning. But, suffice it to say, that he has played an indispensable role as leader and advocate for Western Pennsylvania hospitals and health care. And, in recognition of Mr. Robinette's leadership, the Hospital Council of Western Pennsylvania is creating the Jack C. Robinette Fund for the promotion and support of more effective health care delivery in Western Pennsylvania.

Mr. Robinette is retiring but I'm sure that he is not retiring from advocacy of health care in Western Pennsylvania.

And, he is accompanied here by – and I hope I have all of you, so tell me if I don't – first of all, his family, his wife Ruth Robinette and also his son Scott Robinette. Thank you both for being here. Also, the colleagues of Mr. Robinette, Pat Jurzak, Bobby Cornish, Bill Horvath and Maryanne Debenshack. Did we get everybody? Did we forget anyone? That having been said, let's read this proclamation.

MESSRS. COHEN AND ONORATO PRESENT

No. 2610 WHEREAS, Jack C. Robinette has been President of the Hospital Council of Western Pennsylvania for more than 20 years, providing strong leadership for 92 member hospitals and health facilities in 30 counties; and,

WHEREAS, Jack C. Robinette has performed extensive community service and has represented the Western Pennsylvania health care community on a local, regional, and national level with distinction; and,

WHEREAS, Jack C. Robinette will open a new chapter in his career upon retirement from the Presidency of the Hospital Council of Western Pennsylvania this fall; and,

WHEREAS, the Hospital Council of Western Pennsylvania Board will ensure that Jack C. Robinette's vision for a healthier Western Pennsylvania community will continue by assisting in establishing the Jack C. Robinette Fund; and,

WHEREAS, Jack C. Robinette will be honored by the Hospital Council of Western Pennsylvania for his dedicated service on November 17, 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Jack C Robinette for the extraordinary contributions he has made to health care in Western Pennsylvania; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Friday, November 17th, as Jack C. Robinette Day in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS DAN COHEN AND DAN ONORATO

MR. COHEN moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Congratulations.

Mr. Cohen:

Jack, congratulations. Come on up here and accept this.

Mr. Robinette:

What a pleasure it is to be here for this brief time. I've never had a day named for me before.

Let me tell you, 20 years ago, we thought it was a great City when we came here, 20 years later, we still think it's a very great City. It has truly been an honor for me to serve these 20 years, to in some small way, improve the health of the community. I'm not sure you all realize how unique this area is. If we were in some other cities in this country today, the access to health care wouldn't be what we have it here, and we hope to keep it that way.

Thank you, Members of the Council, Mr. Chairman, the President of the Council thanks you so much for this honor. Thank you.

The Chair:

Thank you and congratulations. Councilwoman McDonald.

Ms. McDonald:

May all parties of the Sickle Cell Society please come forward to accept the resolution. Everybody.

Good morning, everyone. I am going to read the resolution for the Sickle Cell Society, which is an establishment in Council District 9, but they subcontract to other facilities in other districts throughout

the City. And, right now, to preface the reading of the resolution, as no different than other organizations, and I am talking about organizations which do provide a very good service, a very cost efficient service, the ax may be falling to some degree, to a large degree, on the Sickle Cell Society, an organization that has serviced African-Americans and those of Mediterranean decent, who suffer from the Sickle Cell anomaly, whether it be the trait or the full-blown disease, that cripples many people in this City. You never know until you actually talk with them. Many individuals I have known have been -- you just don't know what they are suffering from but you know that there is something wrong, and then you talk with them and you realize it's the Sickle Cell disease, and they're making it, and they're making it through such organizations as the Sickle Cell Society. And, unfortunately, the axes are starting to now chop.

So, I felt it was incumbent that we save the Sickle Cell Society in its full entirety, not to have it lessened, reduced, or anything. It needs to remain as it is now, and if anything, to be expanded to cover 28 percent of the potential population in this City of Pittsburgh.

MS. McDONALD PRESENTS

No. 2611 WHEREAS, since its inception in 1987, the Sickle Cell Society, Incorporated has been a community based facility with an open door policy; and,

WHEREAS, The Sickle Cell Society, Inc. has recently become involved in a political battle for survival as one of the last community based programs of its kind in the country; and,

WHEREAS, the State is trying a slow process of funding cutbacks and has made a unilateral decision to shift the patient load and dollar flow to the University of Pittsburgh. In cities across America, programs like this one have been swallowed up by teaching hospitals and universities; and,

WHEREAS, the Sickle Cell Society, Inc. services an average of 700 families each year. National statistics estimate one in 400 African-Americans suffers from sickle cell anemia, and one in ten carries the trait; and,

WHEREAS, the sickle cell trait is an inherited characteristic in which the hemoglobin of red blood cells is different. Hemoglobin is the pigment in red blood cells that carries oxygen. Sickle cell anemia, in which the hemoglobin has changed, can be a painful, crippling disease; and,

WHEREAS, despite funding reductions under Executive Director Neddie C. Hollis, and Associate Augustus C. Brown, Ph.D., the following progress was made: patient support group enhanced, expanded laboratory analyzations, formulated technical health advisory committee, developed senior citizen hi-rise health screening project, and completed a successful fiscal and compliance audit.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh salutes the Sickle Cell Society, Incorporated for educating and providing quality service to individuals in need.

BE IT FURTHER RESOLVED, that the Council in the City of Pittsburgh declares Tuesday, October 31, 1995 as "Sickle Cell Society, Inc. Day" in the City of Pittsburgh.

SPONSORED BY COUNCILWOMAN VALERIE A. McDONALD

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Ms. McDonald:

Thank you. I would like to present this to -- do you want me to present it to you, Dr. Sams?

This is Dr. Frederick Sams, and he is Chairman of the Board of the Sickle Cell Society. He's a private practice Dentist, and this is Mr. Neddie Hollis, who is Executive Director. And, if there's any introductions, I'm going to leave that to you because you'll find the staffing here, board members, and just basic support -- and, two patients -- can we hear from them? You ready? We'd like to hear from one of the patients, too. Thank you.

Dr. Sams:

On behalf of the Board of Directors and the Sickle Cell Society, we would like to extend our deepest appreciation from City Council and Councilperson Valerie McDonald.

We're involved very much in terms of in Western Pennsylvania. We participate a lot in state conventions as well as nationally, but I can rest assure you that our home will always be in Pittsburgh and in Allegheny County. And, again, thank you very much.

Unidentified Speaker:

We are both members of the Sickle Cell Patient Support Group. We are both Sickle Cell patients, and we want to thank the Council for the resolution and -- I'm not quite sure what --

Ms. McDonald:

That's all. That's fine.

Unidentified Speaker:

Do you want to say something?

Ms. Blake:

Well, yes. My name is Katie Blake, and I, too, have Sickle Cell Anemia. And, as the Council Lady said, so many people suffer from Sickle Cell Anemia, and funding has been shifted and it is really, really very, very sad. If you didn't know, because most of us look normal, most of us seem normal, but in essence we suffer from a very, very painful disease, and it -- I must stress that, just as Multiple Sclerosis and Cystic Fibrosis and everything else has been said that it's such a painful disease, Cancer is such a painful disease, they don't know that Sickle Cell runs neck and neck and because of the normalcy, that we all look like we are doing fine, it's a real fallacy. And, I would like to tell Council, please, if it's in your hearts, look at us. Thank you.

Ms. McDonald:

And, I would urge my colleagues that you would encourage the State to please keep -- this is a very vital community based organization, it is a beautiful facility, the community is quite proud of it, has been proud of it for years, and it is sad when the State has felt that it should be stripped from our community to the extent that they would like to see back into a major university and away from the very people that it serves.

And, again, I encourage you to talk to your State Legislators, talk to the Governor, talk to whomever you feel is necessary. I think all of us have really agonized and have lobbied one another to keep facilities and institutions within our communities, and this is a very important one in Council District 9, since it does provide a very major service that I personally don't feel historically has been provided from any major hospital or university setting. It was tried years ago at the University of Pittsburgh but it failed, because they didn't have the interpersonal skills necessary to treat the kind of people that walked through its doors. So, this facility knows its people that it serves and it does it medically and socially.

So, again, I would urge you to put in a good word for the Sickle Cell Society. And, we also were just joined by Mr. John Christian, who is a Board Members. Thank you very much.

The Chair:

And the Councilwoman has one to be read into the record.

MS. McDONALD PRESENTS

No. 2612 WHEREAS, on Thursday, October 26, 1995, The Family Health Council, Inc. will host a performance of ARCH Productions play on teen sexuality, "Timing Is Everything" at the Regent Theater, East Liberty; and,

WHEREAS, The Family Health Council is a private, non-profit organization founded in 1971. Their goal is to provide reproductive and health-care services to low-income women and their families in Western Pennsylvania; and,

WHEREAS, The Family Health Council recognized the need for increased awareness and better education about teen sexuality, the Family Health Council created a teen pregnancy prevention advisory committee called the Adolescent Resource Network. It works to create awareness about the issues of teen pregnancy; provide education and training; and provide funding to local school schools for the development of sex education programs; and,

WHEREAS, teen pregnancy is not a black problem or a white problem. It isn't an inner city problem or a low-income problem. Unintended teen pregnancy cuts across all racial and socioeconomic boundaries. Teen pregnancy is everyone's problem.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognize and commend The Family Health Council Incorporate for taking the lead role of educating our teens on the importance of health education and teen pregnancy.

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor and all Members.

Mr. O'Connor:

Will the members of the PSRT come up, please. Where are they?

With us today from the Pennsylvania Society of Radiologic Technologists of District 1, we have David Nixon, the President, and from Allegheny General; Janice Wirth is the President-Elect, and you're from Mercy, and my cousin Barbara Jean O'Connor is the Chairperson of the Board, from Ohio Valley General. Make sure we get those hospitals right. Like Mary Kay was here last week. We want to thank you for all the work you do and I'll read the proclamation. You represent all the hospitals in Western Pennsylvania.

MR. O'CONNOR PRESENTS

No. 2613 WHEREAS, the health of all citizens is a major concern and responsibility of health care professionals serving the citizens of this city; and,

WHEREAS, qualified practitioners, who specialize in the use of medical radiation and imaging techniques to aid in the diagnosis and treatment of disease, share a commitment to bring the people of this city a safer environment now and in the future; and,

WHEREAS, professionals in radiography are dedicated to the highest standards of professionalism and continually maintain those standards through education, life-long learning, credentialling, and personal commitment; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the need to focus on the safe medical radiation environment provided through the skilled and conscientious efforts of Radiographers, Radiation Therapy Technologists and Nuclear Medicine Technologists in this city; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare November 5-11, 1995 as NATIONAL RADIOLOGIC TECHNOLOGY WEEK in the City of Pittsburgh. Please Join the Pennsylvania Society of Radiologic Technologist of District #1 as they celebrate the 100th Anniversary of Wilhelm Conrad Röentgen's discovery of x-rays on November 8, 1895. The Council of the City of Pittsburgh encourages all citizens to recognize this event and participate in its observance.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, VALERIE McDONALD, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Who wants to -- congratulations.

Mr. Nixon:

Good morning. On behalf of the Pennsylvania Society of Radiologic Technologists, District No. I, which encompasses the nine-county Southwestern Pennsylvania area, there are over 2900 of us in this district, there are over 600 active in our district currently right now. We provide a very, very important duty and function in the medical community. Without us, without our technology that we have today, we cannot truly see the inside story of patients. Everyone has had an x-ray probably in their lifetime, this is what we do. It is very complicated, it is very, very technological oriented. We would like to thank the Council today for issuing the proclamation for us. We are only a hundred years old, the field, so it's very, very -- we've come a long way in a short period of time and we're going much, much further.

So, I would like to thank you on behalf of our district and we will take this back and display it proudly. Thank you.

The Chair:

Thank you.

Ms. Wirth:

Well, I would like to join David in thanking everyone for recognizing our organization this morning and for celebrating the 100th anniversary of the "eyes of medicine". I teach students in the Radiologic Sciences, and I think it's real important that the people in this area are aware of the kind of technology that is at their doorstep with the many hospitals and the trained technologists that service this area, and I think you should be very proud to live in this area just because of the health care community that's provided. And, I thank you again for giving us this proclamation.

Ms. O'Connor:

I would like to thank the Members of Council for this recognition, and I would like to also accept it on behalf of the entire Radiology team. As technologists we provide a vital function but it wouldn't happen without the people in the file room and it wouldn't happen without the dark room technologists and, of course, the Radiologists, who interpret the films and those who transcribe it, and actually to the makers of FAX machines, so that your doctor can have that report within minutes from its transcription.

So, on behalf of the PSRT, I would like to thank you.

The Chair:

Councilman O'Connor and Councilman Cohen. Would the representatives of the Squirrel Hill Urban Coalition come forward, please.

Mr. O'Connor:

Coalition members please come up. We have -- I don't think Tom -- is Tom Barnes a member now? Is Tom a member? He doesn't know. We're trying to get some good Press for you.

We have the Executive Director Carla Sandy; Andy Dlinn, Vice President, Director and also the head of the Citizen's Patrol, and Merle Weitz, Administrative Assistant and life long friend, a long time.

In fact, this is a big day. In Squirrel Hill we celebrate our Halloween celebration from 5:30 to 7:00. So, anybody that wants some candy, come up on, we're all up on Murray Avenue and Forbes Street, we'll be passing out candy.

MR. O'CONNOR PRESENTS

No. 2614 WHEREAS, Squirrel Hill's location, scale, diversity, and stability make it unique as a residential area in a large American city. The amount of community feeling throughout Squirrel Hill promotes a sense of belonging and gives the neighborhood an identity maintaining it as the largest family, residential community in Pittsburgh; and,

WHEREAS, the Squirrel Hill Urban Coalition is the community's organization for reviewing and influencing physical and social developments in Squirrel Hill. As the holiday season approaches, the Coalition is maintaining the neighborhood's stature through various volunteer efforts; and,

WHEREAS, the Squirrel Hill Urban Coalition will be conducting its first annual Litter Prevention Month to clean up Squirrel Hill's commercial district. It is the Coalition's goal to organize 'litter brigades' to tackle littering throughout the neighborhood. This project will be accomplished by signing up area school children and service group volunteers; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends its thanks and appreciation to the Squirrel Hill Urban Coalition for its efforts in beautification of the City of Pittsburgh through its neighborhood, Squirrel Hill; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims the month of November 1995, as "Litter Prevention Month" in the City of Pittsburgh.

SPONSORED BY COUNCILMAN BOB O'CONNOR AND COUNCILMAN DAN COHEN

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, we have Carla Sandy, Executive Director, do you want to come up and accept this and please say a few words. We'll let Dan finish up.

Ms. Sandy:

Quite simply, since I was a little girl Pittsburgh has become cleaner and cleaner with each year that passes, and so in Squirrel Hill we would like to carry on that tradition to make our City once again the most livable, and hopefully one that welcomes our people to shopping districts that are clean and inviting. Thanks.

The Chair:

Thank you.

Mr. O'Connor:

Andy, while you have a second, I want to thank you. He has the Citizen's Patrol volunteer effort. How many members do you have?

Mr. Dlinn:

Fifty.

Mr. O'Connor:

Fifty. That ride around on patrol every night with radios and really make it a safer neighborhood.

Merle, do you want to say a few words? I know Dan Cohen will always say a few words.

Mr. Cohen:

No such thing as me not saying a few words.

You will not find very many organizations that are as responsive to an urban neighborhood as the Squirrel Hill Urban Coalition. For 22 years the Squirrel Hill Urban Coalition has been the community and neighborhood group that has overseen the future of Squirrel Hill, in a way that is really unprecedented, and that includes public safety, and the Citizen's Patrol is just an example of that but an incredibly strong example. It doesn't get a lot of publicity, although that's gotten more publicity than some. The Citizen's Patrol is just a perfect example of how citizens can work with the police to make a neighborhood safer, and, Andy Dlinn, you need to be congratulated for that, for land use planning, for this litter brigade, is just an example. And, I just want to congratulate the Squirrel Hill Urban Coalition for its tremendous efforts, and Carla Sandy for leading those efforts to make Squirrel Hill a better community. And, I am not just saying this because my wife happens to be on the board. Congratulations.

The Chair:

Councilman Ricciardi I believe has one to be read into the record.

MR. RICCIARDI PRESENTS

No. 2615 WHEREAS, the health of inner-city neighborhoods is a key indicator of the health of a City and its region; and,

WHEREAS, the City of Pittsburgh through its Neighborhood Business District Revitalization program has provided technical assistance and financial support to the East Carson Street business district; and,

WHEREAS, the City of Pittsburgh revitalization efforts which have occurred along the East Carson Street business district of South Side have not only been instrumental in South Side's revitalization, but these efforts have also resulted in the creation of a regional asset which draws shoppers, home-buyers and tourists from the entire region into the City and into South Side. This effort serves as a model for other neighborhood business districts in the City and across the country.

NOW, THEREFORE, BE IT RESOLVED that the City of Pittsburgh supports this entry into the Great American Main Street Awards competition

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. The Chair Presents, and I would ask Mr. Ed Stotts and the other guests to come forward, please.

Members of Council, on behalf of all of our colleagues, I know each year we offer a similar resolution. At this time I would like to offer on behalf of the body, the following resolution:

THE CHAIR PRESENTS

No. 2616 WHEREAS, the Pennsylvania Public Utility Commission has an interest in educating the public on energy use, conservation and providing assistance to income eligible and special needs customers who face financial difficulties during the winter months; and,

WHEREAS, area utility companies and human service agencies such as the Allegheny County Department of Aging, the Pennsylvania Office of the Attorney General, the Bureau of Consumer Protection, the PA Department of Welfare, Bell Atlantic, Columbia Gas Company, Duquesne Light Company, Equitable Gas Company, Peoples Gas Company, Pennsylvania-American Water Co., West Penn Power, the Dollar Energy Fund, and others share with the PUC these concerns; and,

WHEREAS, consumers need some medium whereby this information is clearly and effectively disseminated; and,

WHEREAS, last year the PUC held its first ever Utility Fair in the City of Pittsburgh which proved to be extremely successful and informative to the residents of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Monday, November 6, 1995 "Be Winter Wise/Utility Fair" in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh urges individuals to attend the Utility Fair which will be held at the David L. Lawrence Convention Center from 10:00 a.m. to 2:00 p.m. on Monday, November 6, 1995.

MR. ONORATO moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

We have a number of organizational leaders here as well as our Public Utility Commission. Ed Stotts, to my left here, works with Duquesne Light Company, he's also with an advocacy group, the American Association of Blacks and Energy, and I would like to have Ed

say a few words and he might want to introduce some of the other guests that are here. Ed.

Mr. Stotts:

Thank you very much, City Council, and President Ferlo. On behalf of the "Be Winter Wise/Utility Fair" Committee, I would like to extend an invitation for all residents of the City of Pittsburgh and Allegheny County to attend the "Be Winter Wise/Utility Fair" November 6, at the David Lawrence Center at 10 o'clock. Commissioner John Hanger will preside over the opening ceremonies, and other dignitaries will be present. So, I would like to welcome everyone down there today.

And, I would like to introduce some of the people who are here with us. To our far left -- I'm going blank right now because of nervousness. Bob Gandy from Duquesne Light --

Ms. Croeck:

Sadie Croeck from Peoples Gas.

Ms. Deutsch:

Kathy Deutsch, Allegheny County Department of Aging.

Ms. Cox:

Laveda Cox, Equitable Gas Company.

Mr. Stotts:

And, once again, on behalf of the PUC and other utility companies and public agencies, again, thank you very much.

The Chair:

Thank you very much. Thank you, colleagues. And, also the Chair has another resolution to be read into the record.

THE CHAIR PRESENTS

No. 2617 WHEREAS, Tom Kerr enlisted as a private in the United States Marine Corps on December 8, 1941, the day after the bombing of Pearl Harbor, was involved in the invasion of the Marshall Islands, the Marianas Islands, Saipan, Tinian and Iwo Jima and was honorably discharged as a Captain; and,

WHEREAS, during the war Tom met his future wife Jean Kerry, who was serving as a military nurse and was caring for one of the men in his charge, married her on December 19, 1943, and from their union sprang five beautiful children; and,

WHEREAS, after the war Tom returned to work during the day and attended George Washington University Law School at night, courtesy of the GI Bill, then went on to work for the U.S. Justice Department and Westinghouse Electric Corporation before entering private practice; and,

WHEREAS Tom's ACLU activities started in the 1950's when he and a handful of other brave souls helped to reinstate the Pittsburgh Chapter, where he has provided major service both for the organization and the clients whom the ACLU serves; and,

WHEREAS, Tom served as a legal advisor during the 1960's civil rights movement, providing legal representation to persons advocating increased participation by African Americans in government contracts and the workforce,; and,

WHEREAS, in 1966, when Tom's involvement in ACLU activities on behalf of Vietnam war protesters and union activists became an issue with the law firm and he was told to choose between the ACLU and the law firm, Tom quit the firm without hesitation; and,

WHEREAS, Tom went on to a distinguished career as a professor at Carnegie Mellon University, continued important and often controversial work for the ACLU, became Chairperson of the Greater Pittsburgh Chapter of the ACLU, chaired the Pennsylvania ACLU Board for over 20 years and is a member of the National ACLU Board, was a founding board member of Neighborhood Legal Services and served for 13 years on the Pittsburgh Human Relations Commission; and,

WHEREAS, on Wednesday, October 25, 1995, Tom will be honored at special dinner, for his lifelong dedication to civil liberties by the Greater Pittsburgh Chapter of the American Civil Liberties Union and the American Civil Liberties Foundation of Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, does hereby recognize Tom Kerr for his unswerving and tireless dedication to justice and civil liberties for all Americans by bestowing on him the honorary title of "Mr. Civil Liberties"; and,

BE IT FURTHER RESOLVED, by the Council of the City of Pittsburgh that Wednesday, October 25, 1995, is hereby declared to be "Tom Kerr Day" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Councilman Cohen and I presented that a week ago at a very eloquent banquet at the Hyatt Regency in honor of Tom Kerr and we applaud his public service.

I believe that concludes our Read and Adopted Resolutions. Any other matter under proclamations? I think we covered everyone.

Moving to Presentation of Papers.

MR. CUSICK PRESENTED

No. 2618 Resolution directing the City Treasurer, Director of Finance and City Solicitor to investigate the City of Pittsburgh's ability to implement a "tax amnesty" program and to report back to Council with recommendations regarding implementing such a program.— **(SPONSORED BY MR. CUSICK)**

Which was read and referred to the Committee on Finance and Budget.

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2619 Resolution providing for a contract or contracts, or use of existing contracts, and/or an agreement or agreements, or use of existing agreements for various improvements to public buildings for access by handicapped; at a cost not to exceed $395,000.00, chargeable to and payable from various code accounts.

Which was read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED

No. 2620 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2621 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.
Also,

No. 2622 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

MR. UDIN PRESENTED

No. 2623 Resolution providing for the designation as a historic structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure known as the Sellers-Carnahan House, located at 400 Shady Avenue, designated as Block and Lot Number 84-L-215, in the Seventh Ward, City of Pittsburgh.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

The Chair:

The Chair has no papers at this time to present. That concludes our Presentation of Papers. Under Unfinished Business or Reports of Special Committees, any matter to be brought before the body?

UNFINISHED BUSINESS

The Chair:

I would alert my colleagues and the public, Councilman Onorato, chairing the Budget proceedings, has issued a change in some of the public hearing, as well as the agenda for the budget review, and it is an important opening session that we will have a review on the budget, so please be mindful of the changes and the dates.

Any other discussion under Unfinished Business? If not, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2624

Report of the Committee on Finance and Budget for October 25, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2488

A Resolution entitled, "Resolution providing for the issuance of a $3133.97 warrant in favor of Adrian Kautzman in settlement of claim for missing personal items (Tools)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2514

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax and Exemptions,

Section 263.02, Definitions, Subsection (e), Eligible Taxpayer, by changing the eligibility requirements for Real Property Tax and Exemptions.—**(SPONSORED BY MR. RICCIARDI)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2539

A Resolution entitled, "Resolution authorizing and directing issuance of a series of General Obligation Bonds, Series A of 1995, dated as of November 1, 1995, in the aggregate principal amount not to exceed $75,000,000, and a series of General Obligation Refunding Bonds, Series B of 1995, dated as of November 1, 1995, in the aggregate principal amount not to exceed $70,000,000."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Onorato.

Mr. Onorato:

On Bill 2539, it's the bond bill for 75 million, a motion to recommit due to the timing and the market.

MR. COHEN seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

The bill, 2539 is recommitted.

Other matters? On the bond. Mr. Cohen.

Mr. Cohen:

We will have a -- as usual, we'll have a final vote tomorrow on that, when it sets the interest rate, is that the --

The Chair:

We may, but it may not physically be done tomorrow, and it may be another week or so.

Mr. Onorato:

Yes. Last Wednesday we discussed two options, one being a two-week, one being a three-week option. Depending on the timing of the interest rates, we'll know tomorrow when they're going to ask for a final vote.

Mr. Hertzberg:

Preferably we would need a recess today as opposed to adjourn.

The Chair:

Well, we're not going to recess today because we have no indication if they want to vote tomorrow. It may be possible that we will recess the next Legislative Session for a vote.

Also,

Bill No. 2558

A Resolution entitled, "Resolution authorizing the transfer of $1,300,000 from the following Code Accounts: $900,000 from Code Account 1443, Police Salaries and Wages, Department of Public Safety; $150,000 from Code Account 1132-5, Radio Improvement, Department of General Services; $175,000 from Code Account 1043, Miscellaneous Services, City Information Systems; and $75,000 from Code Account 1612-5, Rental of Equipment, Department of Public Works to Code Account 1443-4, Police Premium Pay, Department of Public Safety, Bureau of Police."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

Colleagues, on Bill 2558, we had asked for some information from Dr. Rowan Miranda concerning the transfer of dollars for police overtime. The question that I had asked was, the $75,000.00 from the Department of Public Works, specifically what would that cost in terms of services or efficiency to the department. That information was not forthcoming. However, as a professional courtesy, I am not going to ask that this bill get recommitted because of the importance of the bill, but hopefully in the future that when this Council does ask for information from the Administration or anyone in particular, that information should get to us as soon as possible. So, now I am not going to be asking for a recommittal but in the future I will, Mr. President, if we don't receive information. But, as a professional courtesy, obviously information has not come to us, I would accept it after the fact, but I will be voting for the bill today.

The Chair:

Thank you, Mr. Ricciardi. Other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when

their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2559

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Saks Fifth Avenue in the amount of $15,755.00 for reimbursement of sidewalk improvements made by Saks at the request of the City of Pittsburgh, and charging the same to Code Account EC95-56."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2562

A Resolution entitled, "Resolution transferring the amount of $100,000.00 from Code Account Special Summer Food Service Program, to Code Account Senior Citizens Program Trust Fund, all in the Department of Parks and Recreation."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2572

A Resolution entitled, "Resolution providing for the issuance of a $3086.00 warrant in favor of St. Joseph's Nursing Home in settlement of claim for accident involving a City vehicle."

Which was read.

Also,

Bill No. 2573

A Resolution entitled, "Resolution providing for the issuance of a $5940.00 warrant in favor of Tish Corbett in settlement of claim for property damage due to a water line break."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2574

A Resolution entitled, "Resolution transferring from Code Account 53-1, Debt Service-Stadium Authority, Department of Finance, to Code Account 45, Health and Life Insurance, Department of Finance, the amount of One Million Dollars."

Which was read.

Also,

Bill No. 2575

A Resolution entitled, "Resolution transferring from Code Account 200, Municipal Obligation for Non-City Water Agencies, Department of Finance, $200,000, and from Code Account 1, Interest on Bonds, Department of Finance,

$75,000, to Code Account 46, Judgments, Department of Finance, the aggregate amount of $275,000."

Which was read.

Also,

Bill No. 2576

A Resolution entitled, "Resolution transferring the sum of Fifty Thousand Dollars ($50,000) to Code Account 1042, Department of the Mayor, City Information Systems, from Code Account 1043, Miscellaneous Services, Department of the Mayor, City Information Systems."

Which was read.

Also,

Bill No. 2577

A Resolution entitled, "Resolution providing for new and/or existing agreement(s) and/or contract(s) for the provision of analysis, design, development, programming and/or training services in conjunction with the feasibility, development, enhancement or implementation of the City-wide financial system for various City Departments. Cost not to exceed $80,000.00."

Which was read.

Also,

Bill No. 2600

A Resolution entitled, "Resolution providing for new and/or existing agreement(s) and/or contract(s) for the provision of telecommunications work related to the Unisource Project for various City Departments. Cost not to exceed $40,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2625

Report of the Committee on Public Works, Water and Environmental Services for October 25, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2578

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for concrete replacement at various locations throughout the City of Pittsburgh at a cost not to exceed Two Hundred Thousand ($200,000.00) Dollars, chargeable to and payable from Code Account 3-01-01-0010-95."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2626

Report of the Committee on Housing, Economic Development and Promotion for October 25, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2534

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 5th Ward of the City of Pittsburgh being designated as Block and Lot Nos. 10-J-55 and 10-N-15, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 2535

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and the Hill Community Development Corporation for the sale of Block and Lot Nos. 10-J-55 and 10-N-15 in the 5th Ward of the City of Pittsburgh -- Residential Land Reserve Fund (residential construction)"

Which was read.

Also,

Bill No. 2536

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and Beverly A. Smith and Harold Jordan, Jr., for the sale of Block 83-J, Lot 56 in the 11th Ward of the City of Pittsburgh, Residential Land Reserve Fund – Garfield Sideyard Program (sideyard)."

Which was read.

Also,

Bill No. 2564

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 5th Ward of the City of Pittsburgh being designated as Block and Lot Nos. 10-J-55 and 10-N-15, under the Residential Land Reserve Fund.

Also,

Bill No. 2565

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 22nd Ward of the City of Pittsburgh being designated as Block 23-L, Lots 50, 65, 66, 67, 79, 86, under the Industrial Land Reserve Fund."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2627

Report of the Committee on Parks, Recreation and Youth Policy for October 25, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2563

A Resolution entitled, "Resolution amending Resolution No. 404, effective June 8, 1995, entitled, "Providing for an agreement or agreements with the Pittsburgh Board of Public Education in connection with the Summer Food Service Program," by increasing the agreement by

$73,000.00 from $750,000.00 to $823,000.00, chargeable to and payable from Code Account Special Summer Food Service Program in the Department of Parks and Recreation."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2628

Report of the Committee on Public Safety Services for October 25, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1657

A Resolution entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 602 Curfew."—**(AS AMENDED)—(SPONSORED BY MR. CUSICK)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I ask that my comments be brought forward.

(REMARKS – SEE ADDENDUM)

Mr. Hertzberg:

And, I make a motion to amend by substitution, or by amending, however we might term that.

The Chair:

Motion to amend.

Mr. Hertzberg:

A motion to amend, and I think the written amendments are in front of everybody.

MR. CUSICK seconded the motion.

The Chair:

There's a motion on the floor to amend, it has been seconded. You have a written copy of the proposed amendment by Mr. Hertzberg, I believe being supported by Councilman Cusick, the sponsor of the bill.

Discussion on the amendment? Councilwoman McDonald. Could we make sure that all our colleagues have a copy of the --

Mr. Onorato:

A point of clarification, Mr. President. I think the amendment is on Councilman Cusick's letterhead in front of everyone. That's the confusion, correct, Councilman Hertzberg?

Mr. Hertzberg:

I don't know what the confusion is, I can start out explaining --

Mr. Onorato:

It is on Councilman Cusick's letterhead.

The Chair:

Excuse me. Does everyone have a copy of the Cusick/Hertzberg amendment on Mr. Cusick's letterhead being offered by Mr. Hertzberg, which is before you, Councilman?

Mr. Udin:

It doesn't say that it is being offered by Mr. Hertzberg.

Mr. Onorato:

No, it does not.

The Chair:

Excuse me. Wait a minute. Excuse me, Mr. Cusick.

We have an amendment on the floor, it is before everyone, the amendment has been made by Councilman Hertzberg.

Councilman Hertzberg.

Mr. Hertzberg:

Can I make a point of order. Can I at least have the opportunity to explain this before other discussion?

The Chair:

You shall be recognized.

Mr. Hertzberg:

And, I won't belabor it. I'll try to get to the point.

The Chair:

You can belabor all you want, it's an important issue.

Councilman Hertzberg has the floor.

Mr. Hertzberg:

The amendments are -- and if we take our piece of legislation in the packet and look at the amendments in conjunction with it, it might make it a little easier to understand.

But, the first part, under the definition of "Permit", the intent is to eliminate what I termed as a strict liability kind of provision that would involve a parent who is unable or makes reasonable efforts, but nonetheless has a child that violates this bill. By changing this definition we would not have that parent being a violator of this ordinance. In other words, if they use reasonable efforts or concern, they would not be in violation of this law. As it stood before, I think "knowingly failed to prevent" could be interpreted as a strict liability provision and it would make a parent in violation of this, a parent that might not physically be able to or is doing everything within their own power and control to prevent a minor from violating this. That person could, nonetheless, been convicted of violating this bill, and I think the deletion here would change that.

"Serious bodily injury" is just an additional definition. Since that term is used within another definition, that being the definition of an emergency, this makes it even more specific by defining serious bodily injury, which is used in the definition of an emergency.

Then the next change would be the exercising First Amendment Rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly. We had some discussion on that at Wednesday's meeting. The intention here is that, if we are to create this exception, particularly freedom of speech, and the right of assembly, if that is to be an exception, then I believe that the entire bill would be gutted and possibly meaningless. As long as you had two individuals, they could be exercising their right of assembly and it would be an exception, which would basically eat up the entire bill, and that is the reason for that particular amendment.

Under "Curfew Center", the deletion of the words "provide the following guidelines" is really a linguistic kind of change, there's nothing of substance going on there. It just makes it read more smoothly.

Then the final change is under "Penalties", batted into their custodian and/or minor. I think it is appropriate that minors also face possible penalties here for violations of this law and that not the parent be the exclusive ones to face potential fines.

And, that's the amendments.

The Chair:

Other discussion on the amendments? Councilwoman McDonald.

Ms. McDonald:

Strictly on the amendments, and then I would like to have a very brief, very brief, discussion on the bill as a whole.

The Chair:

We're going to just concentrate on the amendments.

Ms. McDonald:

On the amendments, exactly.

I don't know if all of you all had a chance to review the correspondence, the memorandum, that was issued to us from

the Solicitor's Office concerning the legal opinion of this entire legislation. What concerns me -- because I had no problem with the amendments at face value until I read -- I'm trying to do an Evelyn Wood through this thing since we just got it. But, on Page 5 of the correspondence, and I'll read the one sentence of the one paragraph in the middle. It says, for the above stated reasons -- this is in deletion to the First Amendments Rights Claus that was originally in the original legislation -- for the above stated reasons, it may be reasonably anticipated that deletion of the exercise, the First Amendments Rights, as an exception to the Curfew Ordinance would substantially increase the likelihood of a successful challenge to the constitutionality of the ordinance since such an exception is crucial in presenting a narrowly tailored ordinance with minimal intrusion on fundamental rights.

And, in looking at our Solicitor's opinion on this, I couldn't vote now for the amendments. I'm not going to vote for the legislation at all. But, even for the amendments, I couldn't vote for it, because we have a conflict of opinion here. And, if this does go through, at least let it be -- let it have the muster to survive a constitutional challenge in court.

So, that is my main concern. And, then there's some language about the implications of House Bill No. 22. And, unfortunately, to do speed reading through there, it's too legalese right here, I can't understand it, and it needs to be put in basic language, so I can understand this.

But, I can't vote for the amendment because of the Solicitor's opinion.

The Chair:

On the amendment, Councilman Onorato.

Mr. Onorato:

On the amendment. Two points on the amendment. One, Councilman Hertzberg, I don't know if you read this already or I missed it. The very last change, under Section 2 of "Penalties", you also added, "or when the Mayor has established a Curfew Center under 604 or whichever is later."

Mr. Hertzberg:

Yes. I thought that was done verbally, so I didn't --

Mr. Onorato:

And, finally, on the amendment, particularly on the First Amendment issue, the deletion, I'm in support of the amendment -- and I'm looking at what Councilwoman McDonald referred to, because I also received this early this morning, I'm trying to read through it fast -- and I noticed that the cases that the Solicitor is referring to, none of them are Supreme Court Cases, some of them are different Circuits, some are State Cases, and just from my general knowledge of some of the Supreme Court Cases on First Amendment issues, in general, that municipalities are allowed to regulate time, place and manner, as long as all that's reasonable. And, I don't think anyone would disagree that there are certain time, place and manner regulations that go to the benefit of the general public. And, I have no problem voting for the deletion here, because even if it's not

stated in the Ordinance, you cannot just wipe out somebody's First Amendment Right in the Constitution just because it's not stated. I think that right exists, regardless if it's listed or not. Question is, can we stop a 14 year old screaming in the streets at 12 midnight and saying that's their First Amendment Rights? I believe we can. Therefore, I will be supporting the all of the amendments, including the deletion of the First Amendment language.

The Chair:

On the amendments, Councilman Ricciardi.

Mr. Ricciardi:

Yes. Thank you. Councilman Hertzberg. I have some concern concerning deleting the "knowingly failed to prevent". I understood your argument, the argument being, and correct me if I'm wrong. the argument being, that if a parent is unable to control a child, and he or she attempts to control the child unsuccessfully, the parent or parents should not be punished in any way. Is that correct. the way I phrased that?

Mr. Hertzberg:

Yes, that's basically, yes, correct.

Mr. Ricciardi:

So, let me continue, though.

So, I thought the strength, and I know the strength of this entire bill, I believe was the Curfew Centers, but not only for the child but also to give help to the parent.

And, what I mean by that, Councilman Hertzberg, if you look under "Penalties", I'm not really interested in dollar amounts, what I'm interested in is help, and that is, if I may, 100 hours of community service, but then it says, "and/or to obtain counseling or attend classes or programs to improve parenting, to improve parenting and child-raising skills."

I believe, colleagues, if a parent is unable to control a 10 year old, a 12 year old, not only does that child need help, but I think the parent needs help in parenting and child-raising skills, because something has definitely gone array, when an adult cannot control a child.

So, what I'm saying there, Councilman, is that I'm very concerned, and I cannot support this amendment, because I want the parent to stay responsible of the child, and if we strike that, at the judicial level, we cannot force that parent to come in and receive those, what I consider, parenting and child-raising skills. So, maybe you could just respond to that and I could –

Mr. Hertzberg:

Very briefly. I agree with you, that parent may need help, but I don't think a conviction for a Summary Offense is the right way to get them help necessarily either.

Mr. Ricciardi:

Can I just engage with Councilman Hertzberg for a second?

The Chair:

Absolutely. So long as only one person speaks at a time.

Mr. Ricciardi:

Right. Councilman, and I understood what you just said, your concern that the parent doesn't receive a Summary Offense. But, then how do we force, I mean force the parent to come in for these parenting and child-raising skills if we don't find them guilty under this Ordinance and force them to follow the penalties of 604.07; how do you bring that parent in then?

Mr. Hertzberg:

Well, you don't force them. You hope they would do it voluntarily. I mean and that's the I think the parent that we're –

Mr. Ricciardi:

See that's my problem.

Mr. Hertzberg:

– talking about.

The Chair:

Excuse me. We can have a conversation but let's try to get one person on record because we have a stenographer who has a difficult job.

Councilman Hertzberg, did you want to respond to Mr. Ricciardi's inquiry.

Mr. Hertzberg:

I have.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

And, I will just end with this, I think Councilman Hertzberg, especially with his background as an attorney, always presents very well thought out ideas, amendments and bills before us, including the Truancy Bill that he passed and I was proud enough to co-sponsor. But, I am not going to support this, and, colleagues, I ask you not to support this, because I feel as though this was the crux of some of Councilman Cusick's argument, and that was that this bill was to reach out, not just to minors, our children in the street, but also to the parents. I think a parent that cannot control a young person needs parenting and child-raising skills, and the only way that they are going to receive them, or at least get them, or even agree to them, that we make sure that they are still responsible for a child. We cannot tell an adult that even if you try and fail, that you are not responsible for a child. I think that just doesn't cut it. That's your child, you've given birth to that child, you've decided to have that child, and now you're responsible for that child until he or she becomes a teenager. If you cannot handle that, we're not just going to let you off scot-free, we're going to force you to take parenting and child-raising skills, which I think would be beneficial to the parent. Because I think the Magistrate, some of them will be smart enough not to hit someone with a $300.00 fine, but, more or less, just tell them, listen, we can forego

the fine, but the parenting and child-raising skills, you're going to sit in that class.

So, I won't have any more comments on this because I don't want to in any way just demagogue on the issue. But, respectfully, I am going to vote no on this. I think we should keep the parent in the cycle of the Curfew Bill. Thank you.

The Chair:

Well, let's just be mindful that the discussion was on the amendment, and the amendment is the total number of proposed amendments since language changed. The document you have in writing, which includes other items, other than the one that Mr. Ricciardi spoke about.

Mr. Cohen had his hand up first, and then we'll go to Mr. Cusick.

Mr. Cohen:

On the amendment, I'm a little bit confused, and I don't want to have to get into lawyerly language here. But, my understanding is, Councilman Hertzberg, that you're taking out the "knowingly failed to prevent" but you're keeping in there "failed to prevent due to lack of reasonable efforts or concern or due to failure to supervise or control". Am I right/

Mr. Hertzberg:

Yes.

Mr. Cohen:

So, is your point -- just so I understand both positions, is your point that the parent should have to make every reasonable effort to control the child but should not be strictly liable without any of the facts coming in?

Mr. Hertzberg:

That's exactly the intent and that's how this reads now. Yes.

Mr. Cohen:

Thank you.

The Chair:

Thank you, Councilman. Councilman Cusick.

Mr. Cusick:

I am going to have to make the same point, Mr. President, and just saying that I think that the second phrase really protects this definition. I would hope that Mr. Ricciardi would take another look at it and try to understand where Mr. Hertzberg was coming from, and I don't really just feel that that "knowingly failed to prevent", the deletion, will really change the bill that much. I think it keeps its strength.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

On this amendment, 604.06, it says, "Curfew Center. The Mayor is

hereby authorizing and directing to establish a Youth Curfew Center/Family Resource Center." I was presuming that was in the bill already, if not, if we're voting for this and putting it in, how much? One of the big problems I have with the whole bill is money and who is going to – where is the center at, who is going to pay for it and how much is it going to cost to have social workers all night long? I mean is this something new we're putting in and isn't in the original bill?

The Chair:

Councilman Hertzberg to respond.

Mr. Hertzberg:

It is just linguistics. Yes, it was already amended to include Curfew Centers All this is is really a change so that it reads more correctly. There were some verbs that didn't match up with the nouns. things like that. That is the only amendment there, technical.

The Chair:

The final version of Mr. Cusick's bill includes a so called Teen Curfew Center.

Councilman Cusick.

Mr. Cusick:

That's just the point I wanted to make, Mr. President.

The Chair:

Other discussions on the amendments? Councilman Udin.

We're going to have a lengthy debate on the issue here I'm sure before the final vote, but – if there's going to be a final vote.

But, on the actual amendments, Mr. Udin.

Mr. Udin:

I want to reiterate the point that Councilwoman McDonald made about the deletion of the First Amendment Right. In order for this bill to have any enforceability at all, there has to be provisions of a narrowly tailored bill, and a narrowly tailored bill includes First Amendment Rights. It may be convenient for the makers of the bill to delete the First Amendment Rights but that doesn't help with the requirement that it be narrowly tailored, and what we are doing in deleting it is opening ourselves up for action that will be taken by citizens on the basis of this unconstitutional bill. So, the exception, though convenient, will make us more liable.

It is also unclear to me, under Section 604.07 of "Penalties", it is unclear under what circumstances the custodian would be fined versus what circumstances the minor will be fined, it simply provides for both the custodian or the minor to be found in violation and then they can be fined up to $300.00. It's not clear.

The Chair:

What's not clear?

Mr. Hertzberg:

That's not unusual that any sentence, there is some discretion within

the person administering the sentence and that is the situation here, where the District Justice would have the discretion to administer a fine on the custodian or the minor or both.

The Chair:

I don't think it's the District Justice, but either the Juvenile Court Judge or the City Magistrate. I don't believe these are being filed at the District Justice level.

But, Councilman Udin, do you have other points, on the amendments?

Mr. Udin:

Not on the amendments. We should vote on it and get to the bill.

The Chair:

Any other discussion on the amendments? Councilman Hertzberg.

Mr. Hertzberg:

Yes. Just in response to the Solicitor's opinion, I think the first sentence probably can summarize the whole thing, which says, "The results of constitutionally based challenges of Curfew Ordinances have not been consistent between the courts." So, I don't know how the rest of this opinion really can follow and can be anything we can rely on, when you begin by saying there's no consistency. How can you then write an opinion which tries to give some kind of consistent opinion.

Any ways, it appears from the discussion that we have just had that we would need to separate each one of these amendments out, Mr. President, and I would ask --

The Chair:

You are withdrawing your original motion and have another motion on the floor. Procedurally you're withdrawing your initial amendment, and the second withdraw his or her --

Mr. Cusick:

Second.

The Chair:

His. Now, what is the amendment on the floor, and you have to refer to the paper with Mr. Cusick's letterhead.

Mr. Hertzberg:

We'll do it one section at a time.

The Chair:

Very good.

Mr. Hertzberg:

First I make a motion for an amendment of Section 604.02, is there a second?

The Chair:

Is there a second?

Mr. Cusick:

Second.

The Chair:

There's a second. Is everyone clear on the – and the stenographer, for the public record here – is everyone clear on what we're voting on? We're just procedurally separating out each section since there seems to be a lack of a majority for the total package, or there may be a lack of majority, I don't know.

Any ways, there is a motion on the floor for the specific first section that you have before you, it has been seconded. Discussion on this one piece of the amendment? Mr. Onorato.

Mr. Onorato:

Just for a point of clarification. Under 604.02, the amendment in front of us, (g) and (j), or just (g)?

Mr. Hertzberg:

Thank you, Mr. Onorato. (g).

Mr. Onorato:

(g). Just (g).

Mr. Hertzberg:

Just (g), Mr. President.

Mr. Onorato:

Thank you.

The Chair:

The amendment on the floor, which has been seconded, is only limited to 604.02, Definitions, as follows, the following words and terms shall have the meanings indicated: Point (g), "Permit means to knowingly allow –" knowingly failed to prevent will be stricken. " – or to fail to prevent due to lack of reasonable efforts or concern, or due to failure to supervise or control."

That is the amendment on the floor right now. Hopefully there's no discussion. Roll call vote on this.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. O'Connor
Mr. Hertzberg	

AYES 3 NOES 5

VOTING NO:

Mr. Cohen	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. Onorato	

(MR. FERLO, PRES'T, ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

The second amendment. Councilman Hertzberg.

Mr. Hertzberg:

6.04.02, Section (j).

The Chair:

The amendment on the floor, is there a second?

MR. O'CONNOR seconded the motion.

The Chair:

Again, for the steno, the amendment is only 604.02, Definitions, Point (j), you have before you. Other discussion? Hopefully not. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	

AYES 7 NOES 1

NOES:

Mr. Udin

(MR. FERLO, PRES'T, ABSTAINING)

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

604.02 (j) is amended to the final version of Mr. Cusick's bill.

Other amendments? Councilman Hertzberg.

Mr. Hertzberg:

6.04.04. It strikes Section 8.

The Chair:

You have it before you, and it does not go to the second page. It has been moved. Is there a second.

MR. O'CONNOR seconded the motion.

The Chair:

No discussion. Roll call vote.

he ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi

AYES 6 NOES 2

NOES:

Mr. Udin Ms. McDonald

(MR. FERLO, PRES'T, ABSTAINING)

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

The amendment is made to the final version of the bill.

Mr. Hertzberg.

Mr. Hertzberg:

Section 6.04.06.

The Chair:

Entitled, "Curfew Center", the one sentence. It has been moved. Seconded? Who is seconding this?

MR. CUSICK seconded the motion.

The Chair:

Seconded. No discussion. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	

AYES 5 NOES 3

NOES:

Ms. McDonald	Mr. Udin
Mr. O'Connor	

(MR. FERLO, PRES'T, ABSTAINING)

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Section 604.07, Penalties.

The Chair:

(a) and (b).

Mr. Hertzberg:

Actually the only changes are in (b).

The Chair:

Well, as written, 604.07, Penalties, with the change, substantive change being (b). Seconded by --

MR. CUSICK seconded the motion.

The Chair:

-- Mr. Cusick. No discussion. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi

AYES 6 NOES 2

NOES:

Ms. McDonald	Mr. Udin

(MR. FERLO, PRES'T, ABSTAINING)

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

604.07, Penalties, is amended to the bill.

Councilman Hertzberg.

Mr. Hertzberg:

Second 2, I think we already did orally, but I suppose it would be appropriately to also now, since we have it written in front of us, also, to formally do this in writing.

The Chair:

Well, let's just do it twice if we have to just to make sure it is in the bill.

It has been moved. Seconded by --

MR. CUSICK seconded the motion.

The Chair:

-- Mr. Cusick. No discussion?

Mr. Cohen:

Discussion.

The Chair:

Discussion. Councilman Cohen.

Mr. Cohen:

I agree with the amendment. I want to make clear, though, that there is a -- well, what is often referred to as a Sunset Provision, meaning that there is a six-month review of this bill and/or repeal if the bill does not work in the way that those who vote in favor of it believe that it could work.

So, I just want to make very clear that even if the Mayor has not established a Curfew Center within six months, that there still be a review and an analysis of how this bill has affected our juveniles and the crime situation on the streets of the City of Pittsburgh. In other words, there is a six-month provision already in the bill.

The Chair:

Well, we should just clearly state it, it is not a traditional Sunset in the sense that it actually ends, which is the case for agencies under State Law, where Sunset Provisions are actually legally referred to. it is an opportunity, but there must be an action on the part of Council to do something.

Mr. Cohen:

Well, as I read this, Mr. President, I think this is probably important for the statutory record on this bill. But, as I read 604.09, Review, it says that after a period of six months of the enactment of this legislation, not the establishment of a Curfew Center, the Committee will submit its findings to Council, that Committee being the Human Relations Commission and the Mayor establishing such a Committee, at which time Council will determine if this ordinance is effective or subject to repeal.

As I read that that means there will be a discussion and a vote within six months. I think that is very important, because, frankly, nobody knows whether this thing is going to work or not and I think we should have a serious

examination and decision within six months as to whether or not it is working or not working. And, I would hope that this amendment before us does not undermine that Sunset Provision.

The Chair:

Again, I don't want to speak to this now, we're on the amendments, but I still think this is ambiguous as it relates to whether or not it is indeed a Sunset Provision. The way I read this legally and the way I understand City Council's prerogatives and powers under the Charter, if there's not a specific action by Council, in effect, the ordinance will remain intact, regardless of the timing of any report or recommendation back to this body.

Mr. Cohen:

Well, it says, at which time Council will determine if this ordinance is effective or subject to repeal. The only way Council determines anything –

The Chair:

That doesn't say that it will no longer be effective, it just states that we have an obligation –

Mr. Cohen:

No, I understand that. I understand that. But, we have to make a determination at that time.

So, I just want to make sure that stays in there despite this amendment.

The Chair:

Well, I am only suggesting, if it is a true Sunset Provision, I think it could have been worded more legally clearer, because the way I read it, legally once we enact this ordinance, notwithstanding Council's review of the merits or effectiveness, in effect, the ordinance will still be on the books in law. But, that's not really on the amendment. So, Councilman Cusick.

Mr. Cusick:

On the amendment, Mr. President, 604.9, Section 2, "or when the Mayor has established a Curfew Center." I just want to state that I've talked to the Administration. They very much think that they will get it off the ground as of January 1. They have given me that message. And, so I would hope that our review would come within that six-month period, and hopefully things are working and this Council will not have to repeal. But, that is why the provision is in there.

I did not want this legislation to be enacted until there was a center up. And, I would have to thank my colleague Councilman Udin for offering this amendment.

The Chair:

Other discussion just on this amendment? Councilwoman McDonald.

Ms. McDonald:

Yes. I understand that the Curfew Center should be in place, but what concerns me is not just a Curfew Center but how police officers are going to be

enforcing this Curfew Legislation; in other words, what training will be –

The Chair:

That's going to be on the bill, Councilwoman. I think we're just trying to narrow in on the language regarding the curfew.

Ms. McDonald:

Well, the language -- I'm talking about the language. You're saying, well, when the Mayor has established a Curfew Center. I think the language is incomplete. That's my comment. The language is incomplete, because there should – it's not just a matter of a Curfew Center, it's also about training, and that's why I could not support this particular amendment. It doesn't entail the proper training and behavior, monitoring, et cetera, that would also have to be in place before this legislation would be enacted.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Again I'm getting confused. January 1st this bill goes into effect with or without a Curfew Center?

The Chair:

No.

Mr. O'Connor:

So, if the Mayor doesn't come up with a Curfew Center, then nothing happens? Is that clear? So, you're saying that that's what this is saying?

Mr. Udin:

Yes, sir.

The Chair:

Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Udin
Mr. Hertzberg	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES 2

NOES:

Ms. McDonald Mr. O'Connor

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

The amendment to the final version of the Curfew Bill has been approved, Section 2, as written.

Are there any other amendments to the proposed legislation that anyone would like to offer at this time? Hearing no amendments – and I believe this is the only bill on the table under Public Safety -- discussion on the bill? Councilwoman McDonald.

Ms. McDonald:

I would like to have all my comments brought forward. All of them from all the Standing Committee Meetings that we've had.

(REMARKS--SEE ADDENDUM)

Ms. McDonald:

I will be voting no on this. But, the one indication I have is, we have had a lot of comments about needing another public hearing. Now, all of us have felt that there had been public hearings, a sufficient amount held. Six public hearings were held prior to September. That was dramatically changed and we're about to vote on a very, very changed and modified bill. In fact, indeed, now we're voting on dramatic changes as a bill that is amended by taking away an exclusion to enforcement of exercising First Amendment Rights. This is a real constitutional issue here that we're amending. Because of all the amendments, because of all the changes that had been made previously, I feel that according to our rules of Home Rule Charter that we do indeed necessitate another public hearing and this time maybe it should be Downtown, right here, and have whoever wants to speak.

But, I do say, in our Home Rule --

The Chair:

Excuse me, Councilwoman. Could we have a point of order on this. I thin procedurally, if you're proposing a motion, then we should deal with this issue of whether or not we want to defer final vote today until such time that there be another public hearing. But, I cannot make a motion but if there's a motion on the floor.

Mr. Onorato:

So moved.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

It has been moved, seconded by Councilwoman McDonald. Discussion on the floor now is whether or not we want to hold an additional public hearing, and I would like to speak to that. But, Councilwoman McDonald.

Mr. Udin:

Point of order.

The Chair:

Point of order. Mr. Udin.

Mr. Udin:

Does this require a vote of Council or a ruling from the Chair?

The Chair:

No, it's a vote of Council.

Ms. McDonald:

Mr. Chairman, as President of Council and as Chairman of all of our public hearings, I just want to read for the record, that public hearings are required prior to taking final action on legislation,

for a number of reasons, and in Section 319 (b), it has, an appropriation or a budgetary matter. Indeed, this is a major budgetary matter. We're talking about hundreds of thousands of dollars here, possibly even a million or two. I think that it warrants, because of the budgetary implications, I think it does warrant a hearing, particularly before we deliberate in our budget discussions to see if the citizens are on board with the expenditure of these kind of monies. I've argued last week, and I'll argue again, I do not believe that this is an efficient and the best use of public monies. I believe that there are other ways of handling youth and expending the monies in a more efficient manner. I feel that we have got to get back to getting as much bank for the buck, in terms of the monies that we spend, and I just don't think that this is necessarily it, even though there are many pieces of this legislation that I would like for the Administration to implicate immediately, in fact, should have been done a while ago.

But, in Section 320, it also has, Citizens right to be heard. To me my opinion is that this legislation is drastically different, warranting another public hearing, according to our rules of Home Rule Charter, but I defer to the Chairman of our public hearings for his word.

The Chair:

Well, let me speak to this. First of all, the motion on the floor is to defer a final vote today on the Curfew Bill pending yet another public hearing. I responded yesterday to my colleagues, and I will just state for the public record, my interpretation of the Charter is, I don't believe that the submission of a petition -- we did receive a petition yesterday from a number of Pittsburgh residents, including organizationally the Pittsburgh branch of the NAACP. I don't believe that the submission of that petition meets the narrow legal intent of Home Rule Charter, Section 320, however, as I indicated to you in writing yesterday, I believe that the final version of the legislation that is now up for a final vote today, is substantially different or has been embellished quite extensively from what was originally introduced and was actually the subject of citizen input hearings, albeit, extensive hearings, albeit, the greatest number of hearings we ever had, albeit, the fact that we're the most democratic, most public and most open and participatory body in the country; however, I don't feel that we are legally obligated to hold a hearing, but I do feel that the intent of the Charter and the importance of this legislation, even if you're a proponent of this bill, part of the arguments of the proponents is that the extensive need for inclusiveness, collaboration, cooperation, and I would strongly suggest to my colleagues that even the proponents of the bill should invite further dialogue or participation, even if it's adversary, of an adversary nature to the intent of the bill, and I would strongly support, and I would ask my colleagues to give consideration, even if you're a proponent of the bill, to have one last round of a public hearing, which can be done as expeditiously as possible. Again, the commentary of the Charter, when you read the commentary, it says that Council has traditionally followed the practice of granting a hearing to any citizen or group of citizens who make a reasonable request in writing. It is hoped this tradition will continue and that the provisions of this section will not have to be applied formally.

The point is we have an important constituency, there are substantive changes to the bill. I don't know that an actual public hearing process will radically alter, the majority of us voted in favor of the Curfew Bill, but I think we should air on the side of caution and participation and empowerment here and allow for another public hearing.

Councilman Cusick. So, the motion on the floor right now is whether or not we should defer and hold a public hearing. Councilman Cusick.

Mr. Cusick:

First of all, Mr. President, this Council had an unprecedented six public hearings in the evening in the community, the first time that this Council has taken the cameras to the street and went out and sought out the public input. At least two post agendas went on in these Council Chambers. I have solicited the community groups, the block watches to give their input in regards to this. I think this is the first time that I know of that this Council has heard so much public input on a piece of legislation. We spent thousands of dollars to take these cameras on to the street, and I believe that the public has had its opportunity to give its input.

I would like to know where these people were when I had offered our time and our Chambers, our ears to listen to what people had to say. I only look at this as a way to block a final vote on this piece of legislation. The final bill before us today is a result of community input that we heard at the public hearings and the post agendas. The intent of the bill has not changed, the issue is just simply whether this City should have a curfew for youths under 16. It is only apparent that the opponents of the curfew that do not have the votes defeated have petitioned at the 11th hour to delay a final vote. It is a genuine plea for the further public input that I would support; however, I believe it is nothing more than a desperate tactic to stall this vote, and I am asking my colleagues, we have done and gone 99 yards to get the public's input in regards to this issue. I don't know what more we need, I don't know what more we'll get out of hearing an additional. Not only that, Mr. Ferlo said that the NAACP -- these are residents of Pittsburgh, I don't think that we should be naming organizations --

The Chair:

Excuse me. Just on this point.

Mr. Cusick:

I don't think that we should give any -- I have the floor, don't I, Mr. President?

The Chair:

Absolutely. Go ahead.

Mr. Cusick:

I don't think that we should be giving anybody any special privileges because they're from a certain organization. I think that they had the same opportunity as the residents of Brookline, as the residents of -- and, if I may -- the residents of Carrick, the residents of the South Hills area, which on Wednesday, April 5th, at 7 o'clock, we held a public hearing at Carrick High School. On Tuesday, April 11th, 1995, at

7 o'clock at Perry Traditional Academy, a public hearing that was held on Monday, April 17th, at 7 o'clock at Reizenstein Middle School, on Tuesday, April 18th at 7 o'clock at Greenway Middle School, on Monday, April 24th, 1995, at 7 o'clock at Homewood Library a public hearing was held, and a public hearing was held at the Hill House on Thursday, April 27th, at 7 o'clock. What more do we need, Mr. President? I think that this Council has done its job, we have gone out, we have sought the public input. I see this as no more than a tactic to hold up this piece of legislation.

The Chair:

Thank you, Mr. Cusick. Just to clarify. I wanted to clarify, I mentioned specifically the Pittsburgh Branch NAACP because yesterday the Clerk's Office and I received a petition that was signed by residents but it was handed to and presented as a request from an organization. That was the reference I made

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I pretty much agree with your sentiments on holding this public hearing, Mr. President. I don't think it's required under our City Charter. I don't think that the changes that have occurred through the amendments are really on the subject matter. The subject matter of the bill as it started and as it's now before us is a curfew. There have been some items added but they don't really impact the basic material. We -- and, I think, as far as whatever money spent on a Curfew Center, I think there's plenty of public input on all our budgetary matters.

But, I think, given the tradition that we have on Pittsburgh City Council of allowing public input, I think, as you presented it, Mr. President, we allow more public input than possibly any other government body that there is, and I think that's good. I think it's necessary on this issue. This bill impacts the civil liberties of people within the boundaries of the City of Pittsburgh probably more than any other piece of legislation in the City's history, so I think it's important to air on the side of having more public input.

What Councilman Cusick has referred to, the sponsor, and the attempts to defeat it by slowing it down, I think -- I have some concern about that also. We have an effective date in all likelihood of January the 1st, and I think to accomplish both ends here, that if it does pass to hold a public hearing that I will then be making a motion to suspend the rules so that it is required that the public hearing occur within 14 days. I think 14 days would be a time period such that we would still keep this on track for January 1st, if that is the wishes of the majority of the Members of Council, but at the same time would allow those that want to have input at the public hearing a sufficient amount of notice to be here for the public hearing.

The Chair:

Just to clarify a request by hearing, we're not legally obligated to issue a 10 day notice as we would if this were a legally requested public hearing. Under the charter we could have a public hearing as early as the beginning as next week prior to next Tuesday's vote. And, if we

did support a motion to hold for public hearing, I suggest we do it on Monday of the following week prior to a week's later vote of the next legislative session.

Mr. Onorato:

I will be voting, no, on this motion for public hearing mainly because I don't believe this has anything to do with public input. I think this is purely a tactical move of grasping at straws to circumvent the political process that has spoken.

I haven't experienced a bill in my 4 years on Council that has been debated more. I spent five out of the six nights of public hearings in the neighborhood, Perry, Carrick, Greenway, Hill House, Homewood, Reizenstein and event to the point we had a post-agenda with NAACP and Council I think three weeks ago, following one of our meetings.

My concern about using these types of tactics it goes to the precious or sacred function of a public hearing, of how important we all feel that these public hearings are. There was some question about a public hearing that was called during last year's budget season. I'm not saying who was right or who was wrong but to the point where it actually generated legislation for us to put a time frame on when a public hearing could be called because some of us felt that it might have been a tactical move.

I think we have to seriously consider about when and how public hearings are called by members of this body. I'll respect any individual in the 25 and the Home Rule Charter that allows citizens to request a public hearing. But, in no way do I feel that my no vote today is trying to stop dialogue, is trying to stop discussion of individuals that appear that are against the curfew. I respect their position. We've waited almost half a year to hear the position. We went into the neighborhood to hear the positions and we voted. And five voted one way so far in the preliminary vote and today I hope will be the final vote.

I would urge strongly that my colleagues vote "no" today, not to stop public discussion but to preserve the integrity of the public hearing process and to not allow the public hearing process to turn into a strategical issue that -- not on this bill only but in the future. Anyone of us can see an opening and we're on the short end of a vote can rally and try to use the public hearing to try to stop the democratic process after debate has taken place. There is not way this bill is trying to be shoved through without discussion.

On the issue of substantive change, I think it's irrelevant. I personally don't think that there is a substantive change but the substantive issue deals with zoning changes and there's requirements in state law and locally about public hearings that we have to have when there is a zoning change and when there is a substantive change in a bill at the table that goes back to the Zoning Board or to the Planning Commission and to this body.

Bills have been amended drastically on Tuesday's in this legislative body without public hearings. Like I said, I think six public hearings in the neighborhood which were all televised plus the post-agenda, I felt we have done more than our call of duty. We've bent over backwards to hear the public. Let's focus up or down and let's see what

happens and re-evaluate it with the Sunset (sic) Act that's in there or the Review that's in there but I would hope that we vote today. Thank you, Mr. President.

Mr. Ricciardi:

My comments parallel of those of our colleague, Mr. Onorato. I believe the request for a public hearing isn't a true sincere request for a dialogue and deliberation, but I think it's just a tactical move to stall the real and actually kill the legislation. And, that's really shown in the letter dated October 27, 1995, directed toward our President and carbon copied to a few of our colleagues. Basically, the last sentence says, I respectfully request that you use your good offices to ensure that a public hearing is before a final vote is taken and ensure that such a curfew bill be defeated outright.

So, the motive behind the public hearing is not one of deliberation but it's one to actually defeat the legislation and is a tactical move. Again, the last paragraph reads, the last part of the sentence, "and ensure that such a curfew bill be defeated outright."

If one of my other colleagues would like to read the entire letter, I'll pass that down when they have the floor. But, again, I think it's a tactical move. We've had plenty of discussion and as Mr. Ferlo has stated, this body is very accessible more so than any other legislative body in this county possibly the entire state.

Mr. Udin:

Sunlight is the world's best disinfectant and that's the purpose of public hearings. It is really curious to me that the sponsor's of this legislation who claim that the legislation is based upon public hearing and who have now substantially changed what was before those public hearings are now trying to avoid public scrutiny.

Certainly, a vote against a public hearing is an attempt to scuttle through a much different piece of legislation than the public was able to consider during those public hearings.

If, as you claim, public input is important, what is your fear of additional public input. The problem I think has to do with the same kind of mind-set that doesn't want people so-called sitting on a fence to study these issues with seriousness and in great depth but to rush through based upon just some kind of collegial friendship and following behind one another without serious thought.

This is a very important piece of legislation which requires that we take out time that we consider it seriously. We just received a very important document this morning from the Solicitor which is an interpretation of the legal issues that we raised last week as to whether or not the bill is constitutional without the First Amendment phrase, whether or not House Bill 22 allows and protects the curfew legislation as it's written and I find that legal opinion extremely contradictory with the comments that were made last week and extremely contradictory with the House Bill itself. That needs to be studied and we need time to study it. If you really want us to consider this in a serious way, don't block the requests for an open hearing which will give us the time and opportunity to seriously look at it.

The Chair:

The motion that is on the floor, and if there were to be a public hearing as expeditiously as possible, possibly as early as Monday prior to one week's delay of the vote, it's a public hearing, it's not a public hearing for the adversaries of the bill to come down here and speak. It's a public hearing for both the proponents and supporters of the legislation, some of whom have already expressed themselves, be it the individual residents and/or organizations.

So, it's a two-sided public hearing where I'm sure we would get both the input of organizations who remain to have concerns but also it's still one last opportunity yet another opportunity as Mr. Cusick points out rightfully for supporters of the bill to come down also.

I would say that of all the legislation, I've been hear seven and a half years and I'm the last one elected at the at-large system and I know my colleagues. I believe very sincerely that the supporters of the curfew are genuinely and passionately in favor of what they believe is the best thing to move our city ahead. I don't have any doubt about that. But it's the very language and the expression in the bill that talks about cooperation, about community involvement.

I am asking the proponents of the bill don't just win the battle, if you want to win the war then go the extra mile and still support and encourage the cooperation, the involvement, the participation and I think we would have to admit that disproportionately this bill will have an impact on certain neighborhoods and certain individuals and certain youth in greater numbers than others. I believe that and I believe that is what we will unfold as the bill is enforced and that is one of the reasons why I have some objections and concern. But, part of the whole bill's intent, if you read the language of the bill, the bill is filled with language about the need to empower, to include, to cooperate, to involve the social service community, and community-based organizations. The whole intent of the bill, as Mr. Cusick's own words speak to, is re-focus of the curfew bill. It is not to be a police punitive power trip but the whole emphasis I believe Mr. Cusick was to enlist support and create participation from the community resources that are out there.

If a teen curfew center is going to be helpful, then we need the leadership and the activities of community based organizations especially those within the African-American community in this city. So, with that I'll close and ask my colleagues to please, especially Mr. O'Connor, as a possible fifth vote to please support one more public hearing.

Mr. O'Connor:

I may be the vote but I'll tell you to Mr. Cusick's credit having six meetings in the neighborhood and I think I went to every one. In fact, it showed in most cases in some neighborhoods very little interest but we did urge some people to come out and they did attend.

This bill, which I'm not going to support the bill itself, the curfew bill because I don't believe -- I still have a lot of problems with the curfew bill so I am not going to support it. But, from the beginning to now, this bill is so watered

down that it is hard for me to vote no. The only reason I'll be voting over the curfew is – again, as Ms. McDonald mentioned we should be looking at a cost and if all the names that signed that petition, nobody knows anything about the costs and nobody cares anything about the costs – these curfew centers I have a big question where they're going to be, who is going to man them, how many social workers have to be there, what is it going to cost, do we need recreation, do we need MTV, do we need meals supplied –

The Chair:

--It sounds like issues that can be discussed at one of the public hearings.

Mr. O'Connor:

Well, these are all of the things that everybody voted for, who was for it and nobody wants to bring up money just like Congress every idea is a good idea except who's going to pay for it. So, that's why I can't support it but I can't support another public hearing. I think, again, it's just a tactic to try to camouflage a bill and I don't think it's the right approach and as I say to all our credit, I think all of us put so much time and attention to every neighborhood in this city. In fact, we added one neighborhood.

I think it was you idea or Mr. Cusick's to take it to Homewood because we wanted more say there. It was a lengthy hearing. So, I think everybody's heard it. Again, it's watered down. Almost every amendment that has come about has been accepted or tried to work into so I comment the sponsors for doing all that. Although I still don't like it. I don't think it will work. But, I don't need another hearing.

Ms. McDonald:

In sponsoring this motion to hold another public hearing, I just want to reiterate that during the public hearings that were held in the communities as well as here, there was absolutely no discussion and no information for the community in terms of budgetary allocations, in terms of their tax dollars, in terms of how money was going to be spent. There was absolutely no discussion. The public was totally ignorant as to the financial implications of this bill as well as Council because we were not working with the Administration at that time.

The other thing is the deletion of this whole amendment. This bill has been substantially changed. I don't think the public was aware until Councilman Udin asked last week to Chief Buford at Standing Committee Meeting, "well what happens when a kid is picked up for a curfew?" They're padded down, including the little girls can be padded down by a male police officer. Why? Because they were standing on the corner and they had no business standing there. They may not be able to do anything.

There was absolutely no discussion as to what did the curfew center look like. Now, we're hearing that they're the CISP Centers, Community Intensive Supervision Program centers. I don't like that at all and I don't think the public was privy to that information.

So, again, I would stress if you're going to keep the public – see the thing is don't bamboozle the public. The public

was not aware of all the facts. Now, we have all the facts in place. Why not give the public an opportunity to be able to talk about the facts of what this actually means. That's all I'm asking. And, you may have five votes, fine. But, at least let the public be aware of all the implications, the padding down and the financial implications. Just give them a break and let them be enlightened.

The Chair:

If there is nothing further, the motion on the floor was whether or not we should defer the final vote on the curfew bill pending one last expeditious public hearing and that is the question on the floor. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 4 NOES 5

VOTING NO:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. O'Connor	

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Motion fails. Discussion on the bill.

Mr. Cusick:

I would appreciate it if I could wait until my colleagues have had an opportunity to discuss the bill.

Mr. Onorato:

First of all, let me start out by saying I think everybody's comment should be brought forward. I'm sure everybody wants them up there, for and against.

On this particular bill, if it passes today which it appears that it will, I would hope that all nine of us seriously look at the implementation of the bill and I look forward to the review in six months. I think that's critical. I think it is going to tell us a lot about how it's working. I feel very comfortable today voting for it – reviewing some of the information that Councilman Cusick brought back from New Orleans. I talked with some police chiefs in the surrounding areas, they're small suburban areas and they do not have the racial mix that we do in the City of Pittsburgh – but talking with them and asking the chiefs of police how they've implemented it and the results.

In particular, one chief of police in a small area that borders the North Side who actually was against the bill itself in their town but being that the chief had implemented it once the legislative body voted for it, was pleasantly surprised of some of the effects of the curfew. One of the surprises that he told me was not that there were huge arrests but it appeared that it gave the parents another toll to keep their kids off the street and saying it's the law, you have to be home. What happened was a handful of children that were out on

the street, I won't say that they were criminals or did anything wrong but they actually found out that these were kids constantly getting into trouble because there were some problems at home and it gave them an opportunity to discover who these kids were and they actually are helping theses kids. They're not being as criminals. They're actually helping these kids who basically are reaching out and screaming for helping and they stuck out like a sore thumb once the curfew was implemented because of the amount of kids that might have a normal home life were pulled off the street, the police had a reason to go over and ask, " what's going on here, you're young, it's 12 Midnight, it's 1 o'clock in the morning what are you doing out here?" He had to admit, even though he had strong reservations against the civil liberties question about being allowed out any time and the idea of a government putting a forced curfew that the benefits so far have outweighed any negative impact.

I hope in six months that this body can say the same things but I will pledge to my colleagues who have strong reservations against the bill today that I will sit down with you in that review period and if the facts show that there is a major problem, I will be more than happy to entertain a motion to repeal a bill that is being discriminatory applied if that's what the results show. So, I look forward to that review and I hope that the nine of us can move forward regardless of the outcome of this bill to try to move the City forward.

The Chair:

I'd like to reiterate some concerns I partly raised last week. First of all, many communities around the country have curfew bills but what's unique about this bill, at least as proposed however well intentioned it is that this bill unlike some communities including those in Allegheny County that have a general curfew ordinance, this bill proposes the enactment of a curfew policy with the power of making an arrest based on a summary offense.

So, I think there is a substantial difference between many communities that have a general curfew bill and this specific bill which actually goes the one step further and actually empowers police to make arrests without warrant for the summary offense as listed in the curfew.

As the legal opinion which arrived here half an hour before the meeting and I tried to read it very quickly, I'm very concerned and now somewhat confused because this language from the legal department and this list here differs from what was stated at least in the last week's session and what I fear is we're going to have some major concerns regarding confusion that may exist with the enactment of this ordinance regarding what the specific guidelines will be.

If I understand – it's nice that the State Legislature and the Senate took care of themselves with an $8,800 pay raise but they didn't spend the time needed to clearly write in House Bill 22 some clear guidelines and some clear authority. If anything, what they've written I think is going to open us up to major lawsuits and taxpayer paid claims for inappropriate arrests.

If I read this opinion right and correctly, and I see on page 7 from the

Law Department, and it states "fundamentally physical arrests without a warrant is an authority to be exercised in exceptional circumstances and House Bill 22 provides that the City of Pittsburgh Law Enforcement additional specifically defined instances where in such exceptional authority may be exercised.

The basic bottom line if I read this correctly is unlike the notion that I think Mr. Cusick and others and the proponents of the bill have put out that the House Bill 22 now empowers or enables us to basically arrest violators of the curfew without a warrant. I think it's clear from his language that there is only going to be a few instances involving bodily harm and personal injury, some very extensive or extenuating situations in which individuals can be arrested. It's not going to be a thing like well now we passed the curfew and we have the power now to detain anybody who is violative of the curfew. That is not what is happening. That is what goes on in New Orleans. There are two things that I learned in New Orleans. One, is the teen curfew center. And, two, is the manner in which the arrests takes place.

I don't think that the legislature really gave us the power that I think we think they gave us relative to making arrests. I think there is only going to be a few situations. I'm concerned that while the intention of the bill is well intended that the emphasis of the bill at least some of the supportive rhetoric regarding the need for curfew policy is that it should be like a carrot on a stick. That the emphasis here is not a punitive police action but rather trying to deal proactively and creatively with youth problems that we have in the community.

The problem I see in the enactment, and this is not my reference to Mr. Cusick as a sponsor of the bill nor even the language, it's more directed with the inadequate response on the part of the Mayor and the Administration. I don't see the kind of involvement that I saw in New Orleans from the Mayor on down especially the lack of community involvement. I don't see that happening in the formulation, in the enactment and in the carrying out of the mission of the curfew. I think that it's noticeably lacking in moving ahead now on the curfew bill and I have a major problem with that.

So, I think there is a lack of a comprehensive youth approach here and I think the curfew is going to be kind of a punitive police action without the other elements that I think are missing so far. I think there are major and substantial issues regarding legal problems that I think are going to rise out of enforcement of this ambiguous language in the curfew bill with no stipulated guidelines as required by the passage of House Bill 22.

It's true that we have a separate bill generally dealing with the issue of police sensitivity and training but I think that is a substantial enough issue to warrant further review and study prior to a final adopted version of the curfew bill. I do not see the community social service, the community development, the community advocacy component complimenting the police activity relative to enactment of the curfew bill. As far as I'm concerned, that is missing.

Representing Council Districts both Zone 2 and Zone 5 I believe my Council District and I think to some extent Councilwoman McDonald's district I

think disproportionately and Councilman Udin's district is going to disproportionately bear the police incidents regarding the violations under this proposed curfew bill and I have major concerns and I have expressed that right from the beginning about any notion of curfew about police response time. I still think that is a big question mark about whether or not police resources are going to be out engaging curfew violation activities and all that means in terms of the tying up of an officer, and I'm making it clear to my constituents, I have a major reservation regarding especially Thursday, Friday, Saturday night evenings when this is supposed to be enforced in Zone 2 and Zone 5. I think there is a substantial issue regarding the availability and I think it will have an adverse impact on police response time for more serious and more violent crimes that are being faced by the people that I represent and I have not had that satisfactorily addressed by the Police Chief and the Administration.

So, for all those reasons and the other reasons which I will bring forward from the record of last week, I respect the energy, I respect the passion of the proponents for this curfew bill and I think very clearly a large number of residents that I represent especially elderly individuals and families are supportive of the notion of a curfew. Having looked at it in terms of it's practical implementation and the other issues I'm raising, lawsuits, the legality, the police response time, the lack of the comprehensive youth policy, the lack of community involvement in carrying out the lofty notions of the curfew which is missing, there is a vacuum there, I am still reticent to vote and enact a curfew legislation bill at this time.

Mr. O'Connor:

Last week on the preliminary vote, I abstained. A lot of people called and asked me why. It is a very popular bill especially with the senior citizens who think a curfew will bring it back to the 50s and everybody will be home at 7:30 P.M. watching TV again.

I was at a fire station Saturday. I asked five fire fighters what they thought of the curfew, they all said we like it. Within two minutes they changed their mind when I told them a lot of the things you just elaborated on. The problems in doing it, I don't want to elaborate on everyone's comments but there are so many problems and I gave myself one week to try to find some of the answers. Unfortunately, I think it would take another six months from the Mayor, the Chief of Police, how it would work, and what are the police going to be doing on a Friday night. Are they going to be running up the right kid, the wrong kid or are they going to be taking them to wherever? They aren't going to be on the corners where we need them. I can give you an example. In Oakland, there are six police cars sitting in front of one restaurant. I said what about the rest of Pittsburgh, don't we get any protection?

So, there is a lot of problems with this. Although I agree the intent may have been there and the goals may be good but there is so many problems and unanswered questions so I will be respectfully voting no for this bill.

Mr. Hertzberg:

Before we held our preliminary vote last week, I said that I would be

voting in favor of this provided that I was given assurance by the Mayor that the Mayor was on board with this. I was given those assurances. I don't agree with you, Mr. President, on that particular issue that we don't have the commitment from the Mayor's office. I think we do. If it turns out that those comments were not accurate or cannot be fulfilled, we do have a six month review this and I'm satisfied with that.

I will be voting in the affirmative and it was not an easy decision to arrive at. I realize that this will affect the civil liberties of a large number of people. It's a very difficult decision to make, one I would rather not have to make but a decision I've nonetheless made with the view of this as more of a social program for youth at risk that the Mayor's office has taken and that I share with them. I will be voting in the affirmative.

Mr. Ricciardi:

First I want to commend Councilman Joseph Cusick for his initiative on proposing a curfew legislation. I don't think it's easy at all to sponsor a curfew legislation to any legislative body and I think it took a lot of work.

It appears that there is a few criticisms to this bill. One, it concerns civil liberties. Two, concerning the priority of police officers in the field. Three, the curfew center itself. And, four, it will be disproportionately enacted towards neighborhoods and Mr. Ferlo you mentioned three specific Council Districts.

First of all, I think it's an insult to police officers that in any way they would enact this legislation disproportionately. Meaning, actually target certain neighborhoods or groups. I think our police officers are professional. They know their job and they do it well and I don't think that is an issue that should really come to light.

Also, concerning priority. This legislation is going to enacted like other laws in the City of Pittsburgh. All calls are prioritized. The City of Pittsburgh police officers are not going to enact curfew legislation when they have a stolen car – a police chase through a neighborhood or they are called to a scene for domestic violence, or they are called to a scene for violence in the streets. It's going to be prioritized like any other calls. Concerning civil liberties as the Solicitor has stated, courts have determined that the minor's rights and freedom of movement to go where one pleases and to use public streets can be closely regulated than for adults.

Let's keep in mind we're dealing with chartering kids who need direction and kids who need to be instilled with responsibility. Concerning the curfew legislation, that is the strength and now some people are using that as an excuse to vote against this bill. We have always stated that we just didn't want a curfew where we pick up these young kids, we throw them in the police station and we tell them sit on a hard bench. We wanted to reach out to these kids, we wanted to reach out to their parents, we wanted to reach out to those who are responsible for their lives.

So, people are voting against this bill for the curfew legislation that's an insult to this body and it really upsets me

because that is the strength of the bill. That's what people wanted in the past and that's what Mr. Cusick has added. Again, it is like any other law, and this is where I commend Councilwoman McDonald, police need to be properly trained to enact this carry out this law and to enact this law and I think they will. It is not only demanded in the City of Pittsburgh, I think it is going to be well accepted, I think it is going to be very beneficial and Councilman Cohen brings up an excellent point that at six months into the legislation we need to sit back and study it.

I know in many of my neighborhoods that I represent that some kids are just out of control. Out of control and we need somehow to bring them back into the fold and also we need a lot of our words and a lot of our action on the parents that are just letting their kids run wild. I believe with an enactment of a curfew here in the City of Pittsburgh I think it is going to free up police officers to do other work. It is going to be like a stop sign. Most people stop for a stop sign. The overwhelming majority of people stop for a stop sign because it's the law, not because of police officers sitting at that stop sign.

When this curfew goes into action, I believe the great majority of kids are going to be at home. So the few kids out there are reaching out. They are either reaching out for love, they are reaching out because they need help, or they are out there damaging and doing wrong. So it is going to be more easier to enact and somehow put forth this legislation than my other colleagues think.

Mr. Cohen:

I'm not going to be making a lengthy statement because I did that last Wednesday and I want my comments brought forward.

My support of the curfew bill as I said last Wednesday is because current conditions are not acceptable. We have children who are killing children on the streets of Pittsburgh and we have a responsibility, in my view, to try something new.

Am I concerned about civil liberties? Of course. Absolutely. I have a very strong record on civil liberties in this Council and that is why I struggle with this bill every single day and I think every member of this Council struggle with this bill but in the end I always came down to the fact that the highest civil liberty is life and we have to try something to protect the people of Pittsburgh and to try to help these children who are out on the streets late at night, some of whom are engaged in criminal activity. We have to try to help them before it's too late and connect them with the social services that they need.

Will this bill work to achieve those goals? I truly do not know. I do not think anybody here on Council can say whether it will work but we have to try something and that is why I talked about that six month provision on this bill because I think that is very critical. And critical to my support for this bill, is that within six months we do a comprehensive review of how this bill was put into effect and what the effects were both on the public safety side and on the civil liberties side. And if it turns out that this bill does not achieve

those goals, or it does undermine civil liberties then we repeal it and try something else but we have to try something to change the current conditions which are unacceptable.

Ms. McDonald:

Not to belabor, just to have my comments brought forward. And, again, I have to comment Councilman Cusick. He has done a lot of work on this and he's done, as well as I can see, to try to include all opinions. He's talked with the NAACP with me and I just want to say thank you for at least being sensitive enough to understand that there is two sides to a point and that you did get the other side and try to modify the legislation to make it one that is doable.

Again, I really wish that we had gone on and had an additional public hearing because again I do want the public to understand what is now coming down the pike and I'll tell you something, the Administration has been too doggone quite on this. You know I heard bits and pieces last week of how they feel but if the Administration's not going to be supportive of this, then we're getting into a locking of horns where , okay fine, we know you have this legislation here but we're not going to do it anyway.

And, then, to have a piece of legislation out there hanging without the adamant support of the Administration and then I wonder well how is it going to be enforced? Who is going to use it at their discretion? Because the Administration has not been wholeheartedly supportive, then it gives me even more suspicion of the inequitable enforcement patterns that may see. I'm glad that you put in there that there is a sunset provision, that we will review this with the human relations commission etc. I'm glad those provisions are in there but I'm sorry that we didn't have more of a discussion on how this would even be enacted.

Again, I was really shocked to hear that they were going to use CISP centers to save money. That's not the kind of center that I had in mind not at all I had no idea that young kids would be subjected to frisking because they got caught violating a curfew. I was not aware of this until last week and it's very distasteful to hear this kind of thing. To not hear from the Chief's own mouth, yes we think it's great we're going to do it, we think it's going to work. I didn't hear any of that. I heard none of that and I think everyone is on a different page on this and I just though that even though it's been a long time, Councilman Cusick we've been discussing it and we've been beating this and modifying it but this seems to be so crucial and so controversial that it may merit this. I mean the legislature has deliberated on issues for a year or two. We're still talking about riverboat gambling. So, I don't want to talk about well is this a long time. Yes, it's a long time but it's obviously controversial enough and it's important enough to warrant this degree of discussion.

Again, if this passes, fine. I'm just going to, like I said, encourage everyone to have a very active and interesting dialogue tomorrow when we discuss legislation affecting those individuals that are actually going to be enforcing this curfew and that is our police officers to make sure that it's done right. So I would only encourage that you would support the legislation tomorrow that will be discussed

as well as looking forward to using the Human Relations Commission to ensure that there is fair and equitable distribution of the enforcement.

Again, I applaud you efforts but for the very reasons we can go on and on with this, bring my comments forward, you see where I'm coming from and my hesitation on this and I agree on one thing. Lastly, and I said it before and I'll say it again, I don't think any kid has a right to be hanging on the street. Now that is where I differ from this civil liberties constitutional thing. No kid doesn't have a right to be on the street at that time of night. But, again, it's how it's going to be enforced and how it we go about it.

The Chair:

Any other discussion? Councilman Cusick, do you have any closing comments?

Mr. Cusick:

Yes. First of all, I want to thank everyone for taking the time for a very difficult issue for all of us, whether you're an opponent or proponent of this legislation. I think that it has been very tiring and difficult for us all to come up with a decision.

When I first traveled down to New Orleans with Council President Ferlo, I had a very punitive piece of legislation and a very different idea on how it would be enforced. After seeing what occurred down there in a number of meetings from early morning to late at night with the Administration down there, from the health care folks to the judges, it only made me feel that we in Pittsburgh could do it even better. I still feel that way. I have the confidence in our chief for some of the same reasons that I had the confidence in their chief. One, that he being an African-American and understanding some of the problems in the African-American community and hopefully working out some of the policy issues to deal with the curfew. I think that was important.

I think that we have a Mayor that is very sensitive and really respects of all people of this city and I really think they have the ability to address all of the problems that my colleagues have mentioned. I think for the most part it has been a long nine months. I know that several Council People have been talking about curfew and would like to see this move on.

I would like to make a few thank you's and especially I'd like to thank all of you for during this long period of discussion that has going on through the last several months but I'd like to thank my staff, Bill Urbanic who has done a tremendous amount of work in regards to this issue and, I think all of you realize that, my secretary Cathy Fenney and I'd like to thank the cable bureau for taking their cameras and for the first time hitting the streets and Director Miskovich for providing that for us and for the Council, our city clerk and her staff for providing the assistance needed with this legislation.

I think there has been a tremendous amount of input in regards to this piece of legislation. I want to thank all of you and whether or not you are for or against this bill, I think that it has been a difficult decision for all of us. Thank you very much, Mr. President.

The Chair:

Thank you, Councilman. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	

AYES 5 NOES 3

VOTING NO:

Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

The bill having received the legally required number of votes passed finally.

The Chair:

Committee on Engineering & Construction, Councilman Cusick.

MR. CUSICK PRESENTED

Bill No. 2629

Report of the Committee on Engineering and Construction for October 25, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2560

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the ALCOA North Shore Headquarters Plan of Property located on Isabella Street between Anderson Street and Sandusky Street in the 22nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2561

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the North Shore Project Area - Lincoln North Plan of Property, bounded by Anderson Street, General Robinson Street and the Allegheny River's North Shore in the 23rd Ward of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Any matters under Motions and Resolutions? Hearing none, I'd like to ask that when we adjourn this hearing. We will meet again Wednesday, November 8th, the day after the election, at 2:00 PM in the afternoon instead of 10:00 AM. With that, a motion to approve the Minutes and to adjourn.

MR. HERTZBERG moved to approve the Minutes of Tuesday, October 10, 1995, Tuesday, October 17, 1995, and Tuesday, October 24, 1995.

MR. ONORATO seconded the motion.

Which motion prevailed.

And on the motion of **MR. HERTZBERG**

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Wednesday, November 8, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a 1st Grader here today from St. Rosalia's School. She's from Councilman Bob O'Connor's District. And, this is Bethany Villella, and her mom is here, Jane. Welcome. And, you can stand with your daughter, if you would like, also. And, we appreciate you coming down. And, Bethany is going to lead us in the Pledge of Allegiance. Bethany.

Bethany Villella:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

PRESENTATIONS

The Chair:

Thank you. Thank you. Bethany, we appreciate you coming down today with your mom, Jane. Thank you very much. Our Clerk would like to present you with a flag of our great City and a flag of our nation. Thank you.

We have a number of guests in the audience this morning. At this time I would like to call on Councilman Cusick.

Mr. Cusick:

Ray Duquesne. If I could just read this proclamation and then have Mr. Duquesne give us a few words.

MR. CUSICK PRESENTS

No. 2630 WHEREAS, November 10, 1995 is the 236th anniversary of the birthday of the great 18th Century poet, playwright, and historian Friedrich Schiller; and,

WHEREAS, no one has combined the idea of republican freedom with poetic beauty more effectively than Friedrich Schiller, whose writings celebrate the achievements of the American Revolution, and who has been justly called "The Poet of Freedom"; and,

WHEREAS, the 1859 centennial celebrations of Friedrich Schiller's birthday in hundreds of American cities were a crucial demonstration of support for the embattled American Republic and for the cause of freedom for all Americans; and,

WHEREAS, Schiller's "Ode to Joy", perhaps the best known of his works, as set to music by Beethoven in the Ninth Symphony, reflects the universal aspiration of man for freedom, as evidenced by it's being embraced as the song of freedom six years ago this month in the fall of the Berlin Wall and in the demonstrations at Tiananmen Square; and,

WHEREAS, Americans are still today in the forefront of the battle for freedom through promotion of national sovereignty and economic development throughout the world, as Friedrich Schiller was in his time; and,

WHEREAS, it is a principal purpose of government to foster freedom, beauty, and culture for the population.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh urges all citizens of this city to celebrate the birth of Friedrich Schiller with cultural activities which bring to life the contributions of the Poet of Freedom.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Friday, November 10, 1995 as Friedrich Schiller Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

I have with me today Ray Duquesne, and Ray is going to just give us a few words about Mr. Schiller and his works.

Mr. Duquesne:

Yes. I would just like to say that I just accept this on behalf of Mr. Schiller, who could not be here today, and all those people everywhere who fight and stand for those ideas that he stood for, of human dignity and freedom, and I don't think that -- he proves that you don't have to be an American to hold these kind of ideas, you could be a -- he was German, and it was people like him who helped us win the Revolution here. And, so, in this day and time I think it is important to remember these things, with some of the current crises going on in this world.

And, I understand there's also a Schiller Academy here in Pittsburgh, and I think the children might be delighted to

receive something like this, too. Thank you.

The Chair:

Thank you. Congratulations.

Councilman Cohen.

Mr. Cohen:

Mr. President. Good afternoon, everyone. Would Linda Doman of the Alzheimer's Association please come up.

The Chair:

How are you. Good to see you.

Mr. Cohen:

Members of Council, and members of the audience, I am very proud to present this proclamation to the Alzheimer's Association, and as many of you know, Alzheimer's affects many people, four million Americans, to be exact, and it is the fourth leading cause of death for Senior Citizens, and here in Pittsburgh and in Allegheny County we have such a high percentage of Senior Citizens that Alzheimer's is a disease that we want to pay particular attention to. And, they have a new program that's out, that I want to say just a few words about, and then we'll have Linda speak, but it is a wonderful program, it's called "Safe Return", and each Member of Council has this booklet at their table. And, "Safe Return" is for those who are afflicted with Alzheimer's, that are confused or have trouble regaining control of their surroundings and their situation. It is a behavior that is called "wondering" that's explained in here. And, the Alzheimer's Association "Safe Return" Program provides an identity bracelet or necklace or clothing labels and wallet cards to identify that person as a memory impaired individual. It provides for a registration in a national data base, a 24-hour, toll free, 800 number to contact when this individual may be lost, access to a national crime information computer, and a nationwide network of 220 community-based Alzheimer's Association Chapters, one of which is right here in the City of Pittsburgh. So, I want to congratulate you, Linda, for that program. And, let me read this proclamation, if I could.

MR. COHEN PRESENTED

No. 2631 WHEREAS, more than four million people in the United States are affected by Alzheimer's disease, a degenerative, progressive dementia that attacks the brain and results in impaired memory, thinking and behavior; and,

WHEREAS, Alzheimer's disease is the fourth leading cause of death among older adults, taking the lives of more than 100,000 Americans nationally; and,

WHEREAS, there are approximately 44,000 senior citizens living in the Greater Pittsburgh region, 7,000 of which are City residents, who have been stricken with Alzheimer's disease; and,

WHEREAS, the emotional and economic strain this disease places on the families of Alzheimer's patients requires public awareness to stimulate concern and support to ease their burden.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City

of Pittsburgh commends the Greater Pittsburgh Chapter of the Alzheimer's Association for its important work in educating the residents of the Greater Pittsburgh region about this serious illness and for providing support for the Alzheimer's patients and families; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims the month of November 1995 as Alzheimer's Disease Awareness Month in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. Linda Doman, who came down here today, is the Executive Director of the Alzheimer's Association. Linda, thank you for coming down, and let me present this to you. Thank you for all your good work. Please come up and say a few words.

Ms. Doman:

Thank you. On behalf of our 25-Member Board of Directors, our Professional Advisory Board, our staff and numerous volunteers, I really want to thank the Council for proclaiming November as National Alzheimer's Disease Awareness Month, for recognizing the Chapter's work, but I especially want to thank you on behalf of the 7,000 families living in the City of Pittsburgh who are dealing with this really difficult disease, and to remember that it's estimated that 70 percent of the care for Alzheimer patients is provided at home, not at an institution. So, within the City we have a lot of families who are dealing with this very, very difficult disease.

Councilman Cohen was kind enough to explain a little bit about Alzheimer's Disease and to ask you to remember that it's not a normal part of aging, it is a really difficult disease that needs medical care and a lot of support for the family.

I have shared with you so that you can take back to your office some information about the Chapter. What I would ask is, with the cold weather coming on that you do for the people living in your districts, pay particular attention to the "Safe Return" program, and if you know that the person has problems with wondering, to really urge them to register in this program, so that the Alzheimer person has identification on them when they leave the house, because that's the thing for somebody for Alzheimer's Disease, they forget their name, they forget their address. This helps get them home as quickly as possible. We had a successful safe return happen, not in the City of Pittsburgh, it was in Homestead last week, where a person with Alzheimer's Disease wondered from their home, a woman working in a day care center was out with the kids, walking them around, noticed the older, confused person, stopped them, noticed he bracelet, called the 800 number and the person was home within an hour. You and I both know what could have happened had this person not been found, had they not been returned home so quickly. So, I really ask you to remember that, feel free to call us at any time, we're happy to help with any

problems you have, and again, thank you very much.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I think this is a wonderful program. I wasn't aware of it. One of my relatives has Alzheimer's, happen to walk out of the house, get on a bus, go Downtown, just by luck, somebody happen to recognize them, otherwise, you don't know what would have happened, on a Sunday afternoon, when town is empty. So, it's a wonderful idea and I thank you for bringing it to our attention.

Ms. Doman:

Thank you.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

Show them what the bracelets look like, because there's many people, including myself, whose families have been impacted, dramatically so by Alzheimer's. What do the bracelets look like, are they very easily distinguishable on the streets, or –

Ms. Doman:

Yes. The pictures of the bracelet are inside, but what they'll have, too, is they'll have the Alzheimer's Association logo on it and "Safe Return". So, the logo is actually on that. We do, though, provide an option for people that don't want the word "Alzheimer's" on their risk. So, we do have that option, and on the back of it, it does say, "Memory Impaired".

And, I did just forget to mention, too, that we are really fortunate to have the Alzheimer's Disease Research Center at the University of Pittsburgh, which is really making a lot of advances in research right now. That's important and we're proud of our research here. Thanks.

The Chair:

Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato. One to be read into the record.

MR. ONORATO PRESENTS

No. 2632 WHEREAS, the Pittsburgh Violet Society was rechartered in September of 1990 and is affiliated with the African Violet Society of America of Beaumont, Texas, the Mid-Atlantic African Violet Society and the Pittsburgh Civic Garden Center; and,

WHEREAS, the Pittsburgh Violet Society has 17 active members and 8 charter members. The Society meets on the third Wednesday of each month at Northland Public Library on Cumberland Road; and,

WHEREAS, the purpose of the Pittsburgh Violet Society is to join together persons interested in the cultivation and propagation of African Violets. Meetings include talks and demonstrations by members in their area of expertise. Many members are avid growers and enthusiastically share their accomplishments with other members; and,

WHEREAS, the Pittsburgh Violet Society has had three annual shows where members exhibit plants grown or design arrangements using violet plants or flowers. The Society has also prepared an educational exhibit for the public and provide them with information regarding the cultivation and propagation of violets. Shows are free to the public. Additionally, the Society also participates in the May Market at the Civic Garden Center.

WHEREAS, this year the Pittsburgh Violet Society is hosting the Mid-Atlantic African Violet Society annual convention. This is a society that is made up of 19 affiliate societies. It was started March 9, 1991 by a group of individuals from Maryland, Virginia and Pennsylvania. The membership totals 144 people from the Mid-Atlantic States; and,

WHEREAS, at least 88 individuals are anticipated to attend the 1995 convention which will include 300 plants and 24 artistic designs. Also expected are 18 commercial growers from all over the country.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes the Mid-Atlantic African Violet Society Annual Convention to Pittsburgh on November 9, 10 and 11 and hereby declares Friday, November 10th, 1995 as African Violet Day in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2633 WHEREAS, Bill "Chilly Billy" Cardille, a Pittsburgh institution and treasure for more than 35 years, is being honored for his distinguished service to the Muscular Dystrophy Association; and,

WHEREAS, Bill has hosted the MDA's annual Labor Day Telethon in Pittsburgh for 25 consecutive years, thereby raising millions of dollars for the MDA; and,

WHEREAS, the MDA is establishing the Bill Cardille Award to be presented annually to an individual who provides outstanding support to the organization, with Bill as the first recipient; and,

WHEREAS, the Bill Cardille Honoree Gala and Auction on November 12, 1995, at the Sheraton Station Square will further benefit the MDA.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Bill Cardille for his commitment, dedication and service to the Muscular Dystrophy Association; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh

hereby declares November 12, 1995 "Bill Cardille Day" in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2634 WHEREAS, on November 2, 1920, KDKA made the world's first broadcast by a commercially licensed radio station in a make shift shack on top of the Westinghouse factory in East Pittsburgh, announcing the returns of the Harding-Cox presidential election; and,

WHEREAS, KDKA owes its existence to Dr. Frank Conrad, a Westinghouse employee, who initially conducted broadcasting experiments in a small garage in Wilkinsburg; and,

WHEREAS, KDKA's historic first broadcast on November 2, 1920, was just the beginning of many other world firsts in the broadcast industry including the first broadcast of a religious service from Calvary Episcopal Church in Pittsburgh on January 2, 1921; the hiring of the first full-time radio announcer, Harold W. Arlin in January of 1921; the first broadcast of a presidential inaugural address on March 4, 1921, when Warren G. Harding was sworn in as the 28th President of the United States; the first broadcast of a sporting event, a 10 round between Johnny Ray and Johnny Dundee on April 11, 1921 from Pittsburgh's Motor Square Garden; the first play-by-play radio coverage of a professional baseball game on August 5, 1921, the Pittsburgh Pirates 8-5 victory over the Philadelphia Phillies; and on September 21, 1921 the first radio newsroom with remote pickup facilities at the Pittsburgh Post; and,

WHEREAS KDKA Radio has continued to be a pioneer in the modern era of radio broadcast, with the premier of Ed and Wendy King's "Party Line" in 1951, the pre-cursor to today's talk-shows, and the world's first AM stereo broadcast in 1982; and,

WHEREAS, KDKA celebrities Bill Burns, Ed and Wendy King, Ed Schaughency, John Cigna, and Fred Honsberger have become part of the Pittsburgh family, welcomed into millions of homes in the greater Pittsburgh area over the years; and,

WHEREAS, KDKA Radio is to be commended for their outstanding charitable efforts on behalf of children's Hospital and other worthwhile causes; and,

WHEREAS, on November 2, 1995, KDKA Radio is celebrating its 75th birthday and the 75th anniversary of commercial radio broadcasting.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, hereby recognizes and honors KDKA Radio for 75 years of excellence in broadcasting; and,

BE IT FURTHER RESOLVED, by the Council of the City of Pittsburgh that November 2, 1995 is hereby declared to be "KDKA Radio Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS JIM FERLO,

DAN COHEN, JOE CUSICK, ALAN HERTZBERG, VALERIE McDONALD, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI & SALA UDIN

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTED

No. 2635 Resolution authorizing the transfer of $35,000.00 from Code Account 1443, Index Code 144303, Salaries, to Code Account 1452-2, Index Code 145227, Legal Defense contribution, Bureau of Police, Department of Public Safety. **(PRESENTED BY MR. COHEN).**

Which was read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. ONORATO seconded the motion.

Which motion prevailed.

Also,

No. 2636 Resolution designating property to be used as the site for the erection of the Pittsburgh Police Memorial Monument and authorizing an agreement granting a license to enter the land therefor. **(SPONSORED BY MR. COHEN & MR. O'CONNOR).**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. CUSICK PRESENTED

No. 2637 Resolution providing for a license Agreement with Wapiti Micro Systems, Inc. to provide the City with unlimited copies of the W4IKS and Traffic View System software programs and any future modifications or upgrades free of charge for the life of the Agreement. **(These software packages are necessary for the C.T.R.T.C.S. project and any future project that utilizes type 170 microprocessing traffic signal controllers).**

Also,

No. 2638 Resolution adopting Official Sewage Facilities Plan for the Ridge Nursing Facility Development, Plan of Property, located adjacent to Riverview Center for Seniors, and South of Browns Hill Road in the 15th Ward of the City of Pittsburgh.

Which were read and referred to the Committee on Engineering and Construction.

MR. O'CONNOR PRESENTED

No. 2639 Resolution providing for a contract or the use of existing contract for the purchase and installation of a remote control device for the operation of a video camera mounted in City Council Chamber to be used by the Department of General Services, Bureau of Cable Communications for the live cable casting of City Council Legislative and Standing Committee Meetings and specified public hearings and providing

for the payment thereof at a cost not o exceed $15,000.00.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

MR. ONORATO PRESENTED

No. 2640 Resolution providing for the issuance of a $940.66 warrant in favor of John Cygrymus in settlement of claim for automobile damage incurred when City vehicle struck private car.

Also,

No. 2641 Resolution providing for the issuance of a $913.19 warrant in favor of Wallace Flowers in settlement of claim for automobile damage incurred when City vehicle struck parked car.

Also,

No. 2642 Resolution providing for the issuance of a $6,000.00 warrant in favor of Raymond & Bernadette Rolewski in settlement of claim for property damage due to sewer backup.

Also,

No. 2643 Resolution providing for the issuance of warrant in the sum of $10,000.00 to Katherine A. Presslitz c/o J. Kerrington Lewis, Esquire, 1040 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of the action filed at 93-04189 alleging personal injury sustained due to a slip and fall on the sidewalk at Forbes Avenue and Liberty Avenue on or about August 8, 1992.

Also,

No. 2644 Resolution providing for an extension for two years of the professional services agreement with KPMG Peat Marwick for the performance of the City's annual audit at an aggregate cost of $185,000.00 for 1995 and $190,500 for 1996, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance. (These amounts will be included in the appropriation for Code Account 1063, Miscellaneous Services, Index Code 106302, Department of Finance, in the 1996 and 1997 Budgets).

Also,

No. 2645 Resolution providing for an extension of the professional services agreement with Sedgwick James for a three month period beginning January 1, 1996 to March 31, 1996 at a cost not to exceed $166,182.00 chargeable to and payable from Code Account 44, Worker's Compensation, Department of Finance.

Also,

No. 2646 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2647 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2648 Communication from Director Barbara Parees, Department of Personnel & Civil Service Commission, requesting approval for John Turyan, a non-City employee and Chairman of the Pittsburgh Private Industry Council, to travel to Harrisburg, PA on November 29, 1995 to attend the second meeting of the Chairs of the 28 Private Industry Councils. Total cost shall not exceed $578.00.00, chargeable to and payable from JTPA-1 Trust Fund.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2649 Resolution granting unto The Foundary, Inc. 1101, Bradish Street. Pittsburgh, PA 15203, their successors and assigns an encroachment to construct, maintain and use at their own cost and expense, a vestibule on a portion of the right-of-way at 1101 Bradish Street in the 17th Ward, 3rd Council District. **(A check for $125.00 has been presented to cover the cost for processing and administrative fee).**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MR. UDIN PRESENTED

No. 2650 Resolution renewing Resolution No. 673 approved by City Council and effective on September 21, 1994 authorizing the Women's Center and Shelter of Greater Pittsburgh to convert an existing three-story structure located at 4760 Centre Avenue into a 36-bed institutional facility with administrative and counseling offices and parking to accommodate 34 automobiles on property zoned "R5" Multiple-Family Residence District, 7th Ward.

Also,

No. 2651 Resolution approving a conditional use under Section 993.01(a)A(52) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to Nancy H. Eshelman for authorization to convert an existing three-story structure into a bed and breakfast facility with four guest rooms and a two-car detached garage located at 2119 Sarah Street on property zoned "R4" Multiple-Family Residence District, 16th Ward.

Which were read and referred to the Committee on Planning, Zoning and Land Use.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Thursday.

MR. COHEN seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 2652 Petition from the residents of the City of Pittsburgh requesting a public hearing on Bill No. 2601 - An Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Chapter 719, Vendors and Peddlers, Section 719.05, Use of Streets. **(PRESENTED BY MR. FERLO).**

Which was read.

Also,

No. 2607 Communication from Mayor Tom Murphy informing City Council of his appointment of Herbert Elish, 108 Woodland Road, Pittsburgh, PA 15232, to the Pittsburgh Housing Authority for a term to expire October 11, 2000.

Which was read.

The Chair:

We need a motion to receive and file on two bills. If there's going to be a public hearing, it has to come up as a motion.

Mr. Hertzberg:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

On the appointment to the Housing Authority, the Mayor has one Board Member that gets appointed, unilaterally, at his discretion, others come before Council for confirmation. A couple weeks ago when the instruction first came over, we wanted to thank Mr. Elish for volunteering his time, at least I did, I appreciate the Mayor's appointment of this gentleman to this Board.

Mr. Hertzberg:

You're saying this is that appointment then?

The Chair:

Exactly. I didn't know that last. Apparently under the statute he has the availability to make one appointment unilaterally.

Mr. Onorato:

Was the resume and info on this gentleman sent over?

The Chair:

If not, we'll make sure Council Members receive the information.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 2653

Report of the Committee on Finance and Budget for November 1, 1996, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2601

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title Seven – Business Licensing, Article III - Sales Business, Chapter 719 - Vendors and Peddlers, Section 719.05 - Use of Streets."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I would first, that my comments be brought forward on both bills.

(REMARKS–SEE ADDENDUM)

Mr. Hertzberg:

And, I want to make a motion to recommit Bill 2601, so that a public hearing can be held. That is the bill that we received the request on.

The Chair:

There's this motion on the floor, is there a second?

MR. COHEN seconded the motion.

The Chair:

Discussion.

Mr. Onorato:

Discussion.

The Chair:

I just want to clarify, the petition is not legally appropriate on the Home Rule Charter. As we know, the Charter clearly states that a petition following the introduction of a bill, must be received at the Clerk's Office within three days. However, I think it is often the case the public is not always necessarily aware of the introduction of legislation until the following week when there's some public debate and dialogue and when the media will oftentimes pick up on an issue. Usually, and I would always want to concur with this, and I've expressed this in the past on the curfew, I believe we should always yield. Unless there's some overriding concern, I really believe that we should yield and respect the backers of the bill and allow them an opportunity to speak to Council.

I very clearly have told the vendors that I support the bill, 2601, I'm disappointed that the Administration took a year to actually introduce the bill. I think they should have tried to resolve the issue a lot sooner. That would suggest in this time frame that there should not be a rush to judgment, and I believe in due process that we should allow the interested parties, be they in favor, or be they oppose, to at least have public comment. I don't necessarily think that it is going to actually change the outcome of whatever the potential vote will be, but I want to side on the – I want to air on the side of participation and comment.

Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. Today I will support a recommittal on Bill 2601. I strongly support the bill and I will be voting in favor of the bill, but I believe people should have an opportunity to express their views to City Council. Hopefully tomorrow, though, we could discuss if the best route is a public hearing or a post agenda. One way to go might be a post agenda. I see several people are in

the audience today, and we might be able to really get the real backup for a vote.

So, I'll support today for a bill on recommittal, however, tomorrow, I'm not promising I will -- or, committing to a public hearing. I might commit to a post agenda, however, Mr. Hertzberg. So, I'll vote to recommit today.

The Chair:

Well, is the motion on the floor to recommit, only?

Mr. Hertzberg:

Yes, I will withdraw the reference to what it's recommitted for. I would be willing to think about that as well, whether it be for a public hearing or whatever purpose.

The Chair:

The motion on the floor is solely to recommit.

Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President.

It appears that this is going to be recommitted. My only concern is why it's being recommitted, and some of the discussion that's been taking place in the media. I agree with everything you said, Mr. President, about airing on the side of public hearing and getting input from anybody that wants to be heard, however, reading some of the testimonies and quotes in the paper from some of the vendors, I want to make it clear that from my point of view, this bill isn't about big guy picking on little guy, big corporation picking on a little peanut vendor, this is the unfortunate realities of modern financing for franchises across America, and this is more than just pushing somebody back 250 feet. This is coming down to the survival of Three Rivers, the Pirates and how we're going to fund for this. It's not pretty, it's not nice and it's not the most ideal situation that I would invent if I had a magic wand to invent it from the beginning. However, we're not competing just within Pittsburgh, we got franchises jumping around, anyone can just look at Cleveland Brown and what just happened there, and if this would make anyone think twice about why the vending issue is so important. When they build Camden Yards, they raised 23 million dollars by selling the concession rights inside of Camden Yards to the private sector. Non-public dollars. Twenty-three million was raised. The reason that was valuable is because you get exclusive rights within the jurisdiction.

Now, do I think that's great and do I think of the customers getting the best deal, no, but is that what is happening across America to franchises, yes, and it's raising private dollars, not public dollars, so I'm all for it. I can't help but this is the realities that we have to live with, but it's something that we're committed to, keeping the franchises here, and as we go through this tough discussion, if it's Mr. McClatchy, there's going to be a lot of discussion on this table right here about how we are going to finance and have lease concessions, and there are going to be public dollars involved.

So, it is not just the peanut vendor that's going to be sacrificing here, it's all

of us and it's a commitment of that body and this Mayor and this region want to keep franchises. Maybe in the end and the discussion is all over, that there isn't enough clout or enough votes to go that way and we start losing franchises. But, right now there appears to be the will to keep the Pirates, the Steelers and even the Penguins, for that matter, and they're going to stay here by creative financing, and this is part of the bigger puzzle.

I wish the "Post Gazette" would look at the big picture as opposed to trying to make a story where there is no story. Of course, what they said about moving back to vendors is true, but they're going to be the first ones to scream if we lose a franchise and can't put together a finance package because every time we try to make a move they try to make a story to have people buckle at the knees because they're afraid of some political pressure.

And, I'm just saying that it is not a very pretty sight of what's going to have to happen here but it's something that has to happen if we're going to keep with franchises. Because what's going to happen if we don't do anything, the Pirates will be gone eventually, the stadium is going to be empty, they'll be no jobs for the peanut vendors and they'll be no job for union guys in side and they'll be no job for the franchises and the vendors that we sell to inside. I know we worked with Ramsey's II, in Councilwoman McDonald's District, because we want to try to get minority participation in there, and we got him some rights now selling at the stadium. We have, I think there's Benkovitz in there, there's a whole variety in there. Those institutions are paying big bucks to get inside the stadium, and the pay that big buck because they got an audience, a captive audience to sell to. If you're going to dilute that captive audience, you're going to dilute the value of those franchises and there's a bigger picture. I don't remember reading any of that in this "Post Gazette". I wish all the facts were on the table.

I'll recommit and I'll hear what they have to say, but we're going to get everything on the table and we're going to see what people are throwing into the pot to keep this franchise here. I know people don't want to hear that, I'm just saying the facts, the financial facts of Major League Sports right now, and this is a key part of it, and I wanted to get that on the record.

The Chair:

Thank you, Councilman. Councilman Cohen and then Mr. O'Connor.

Mr. Cohen:

Thank you, Mr. President. I support a recommittal for either a public hearing or a post agenda, and the reason is that, at least I have not been briefed on exactly what the financial consequences would be if they did not move the distance for the vendors from the stadium. I hear what Councilman Onorato says, and I respect him very much as a member of the Stadium Authority, I just don't know what the dollar amounts are. And, I have to tell you that I am concerned that the little guy is being pushed out, and I have an immediate reaction to monopolies, monopolies of all types, certainly my views on TCI, for example, as a monopoly, is a negative one because we need to have competition and competition is the American way. I just see the little

guys being pushed out in this instance, and I want to know what really the amount of money would be – the value of the franchise, or the values of the concessions would be if these guys were not pushed out. What's the decrease in value of the concessions. I haven't seen any numbers on that, I haven't been briefed on that, nobody came to the table last Wednesday to explain what the financial consequences would be, and then we go into a balancing act. We take Mr. Onorato's argument on the one side and find out how much it really would cost. If it turns out that the cost is minimal, then I don't think this is worth doing, I really don't, because I believe in competition and I don't think that we should be pushing the little out. But, if the cost turns out to be very significant, then maybe we should go the other way. I just don't think we have enough facts.

The Chair:

Thank you, Councilman. It seems as though we're arguing the merits of the bill as opposed to the recommittal, which is fine, and now I want to argue the point, too, but Mr. O'Connor had his hand up first.

Mr. Udin:

Point of order.

The Chair:

Point of order, Councilman, I didn't hear you.

Mr. Udin:

Yes, the point of order deals exactly with the comment that you made, I'm confused about what this process is. Are we arguing the bill or are we arguing recommittal?

The Chair:

Well, we're technically arguing recommittal, but in arguing recommittal, I think my colleagues feel they need to explain why they're either in favor of recommittal or not, in order to do that they have to explain the rationale for their support or their objection to the bill.

Mr. Udin:

Well, it would help me if my colleagues would make some connection between their arguments and recommittal.

The Chair:

Thank you, Councilman. I will attempt to do that.

Councilman O'Connor.

Mr. O'Connor:

Possibly this could wait till tomorrow, but I – this looks like maybe a big guy, little guy fight, and I know in the parking lot business that I investigated, there's a little guy that owes us $50,000.00 a year, that we're finally getting now, after some hard struggle. I would ask vendors, if they're going to come in to bring their W-2, and I would like to see how much taxes they're paying and what kind of business they're doing, and that would show – before I speak to any of them or let them speak. Again, it doesn't have to be public knowledge, but I would like to see how much business they're doing and how much taxes they are paying, before

the start arguing, because I'm curious if any of them do pay taxes. Some may, there may be legitimate businessmen out there, or women, but I would like to make that available, if they're going to come down and speak in front of us.

Mr. Onorato:

Just on that point. Mr. O'Connor should know that I talked with the -- being Chairman of Finance, I talked with the Director's Office today asking for exactly that information. So, hopefully we'll have that for discussion.

Mr. O'Connor:

So, you're saying, before they speak, we will have the figures that they turn into the City, how much they make, if they turn any figures in?

Mr. Onorato:

I asked the Director for it, yes.

Mr. O'Connor:

I'll be interested to see it.

The Chair:

Councilman Cusick.

Mr. Cusick:

Whether it be a public hearing or a post agenda, do we invite the representatives from the Pirates, the Steelers, the Penguins, and hear from them also, from the concessionaires?

The Chair:

I'm sure if we recommit this bill all kinds of people will be hear tomorrow to discuss all kinds of issues.

Mr. Cusick:

Well, I just want to make sure that we invite those people.

The Chair:

I just want to make it clear, I'm not in favor of recommitting the bill if we're not going to have a public hearing, and the only reason why I would vote for a recommittal is if we're going to schedule a public hearing and formally enlist comment, either people for or against. If we're not voting to recommit to have a public hearing, I'm not going to vote in favor of the recommittal, and I'd like to argue out the issue right now. And, speaking to Councilman Udin's point, I'm opposed to recommittal, unless clearly the purpose of recommittal is to have a public hearing. There's not going to be any purpose in this debate. I'd rather debate the issue out right now. And, I have to come to defense of Councilman Onorato, let's get real here, folks, we're not talking about the big guy versus the little guy. If this were the Monroeville Shopping Mall, they would not allow a vendor to set up in the hallway at the Monroeville Mall, and there's really no distinction. We have a multi-million dollar investment in not only the stadium, but this bill also covers the Civic Arena, and it's no different than the rights that we have and obligations and the indebtedness and all the finance capital going into this, of which the tax payers are paying a heck of a lot of money. We have

to glean every available dollar from these activities.

This is not the big guy versus the little guy, I apologize, that's just not the case. We're not chasing vendors and the small guy from not doing work, whether they want to vend in Oakland or at other locations around the City, or in areas outside of the perimeter that the Ordinance talks about. This came about only because the street vendors took advantage of the ambiguous language in the previous Ordinance, which then, when Judge Friedman, I believe it was, interpreted it, she did not understand what the language was clearly and she asked that the Administration go back and clarify that. I am disappointed the Administration took a year to bring this simple little amendment back to clarify the language. It had to do with whether or not it's 250 feet from the footprint of the building versus 250 feet from the parameter, via the arena – Public Auditorium Authority, the arena, or the stadium. Why they took it so long, why didn't they send over a financial explanation, well, you have to put that on the Administration for not doing their homework.

But, I'm not going to go through a public hearing and I'm not going to support recommittal, unless we're going to have a formal public hearing to hear from people. If the people that want to recommit, don't want to have a public hearing, then don't vote for a recommittal, and let's just argue and debate the point out now. The only purposes to recommittal then, as far as I'm concerned, is if you actually want to have a public hearing. If you don't, I would ask that you vote not to recommit it, and at this point let's argue out the merits of the bill, and I'm sure we're going to have a lot more discussion on this.

Councilman Hertzberg, and then Mr. Onorato.

Mr. Hertzberg:

Thank you, Mr. President. I made the original and I amended it, and I would stick by the amendment, which is just to recommit. I think the differences between a public hearing and a post agenda, it totally depends on the issue, it totally depends on the speakers. I think often there are no differences whatsoever. In fact, we may benefit more from a post agenda, given some of the formats that we've used for post agendas. I don't personally think it matters that much. One of the reasons I made the motion to recommit is because when this bill came up for discussion, it was at a very late point in our Standing Committees Meetings, we had spent the majority of our time discussing the Public Safety Bill that Councilwoman McDonald had brought up. This received minimal scrutiny, minimal discussion, other than my comment, which was to the effect of, what everyone's referred to, that we should get a handle on businesses that are outside the stadium or the arena relative to paying taxes and other items. But, I'm not going to change my motion, it's just to recommit. I think we could talk more about this tomorrow –

The Chair:

Let me just try to clarify it further, and after that, if I could please ask your support of this.

As President of Council, and also just in terms of the Clerk's Office, it

would be a lot easier if we just decide now if we're going to recommit it and hold a post agenda or recommit it and have a hearing. I would suggest that we recommit it, have a post agenda tomorrow and allow whatever public input we can have, and then just resolve the issue. This way you can at least let the folks who are here in the audience, both from the Stadium Authority, the Administration, the vendors, know that tomorrow we will have a post agenda and we will indeed hear from them. I would like to have some direction as to what the intent is. I would like to suggest, if the majority wants to recommit, that we will have a post agenda tomorrow so we can move on this next week.

Mr. Hertzberg:

Given the one-year time frame that you correctly noted, here, why are we rushing here?

The Chair:

I'm not rushing, I want to just get some direction as to what the intent of Council is regarding whether or not we will delay a final vote until we either have a public hearing or a post agenda, and if we could just -- I'm asking to put two thoughts together and decide now what it is and what it is that you want to do.

Councilman Cohen, and Mr. Udin, and then we're going to vote on the recommittal.

Mr. Cohen:

Mr. President, just on scheduling, not to put a wrench in your plans, but we do have a post agenda already scheduled for tomorrow, and so we can't do it tomorrow. But, I frankly don't care what it is.

The Chair:

Councilman Udin.

Mr. Udin:

I for one, was not present on Council when this issue first came up, you say a year ago. Perhaps Council has the benefit of full input of all the people who may be affected by this bill, and if that's the case, then perhaps a public hearing is not needed. But, from what I can see, the bill affects a lot of different people, and I would certainly like to be able to hear how it affects them from the people themselves. I'm sure that Councilman Onorato and my other colleagues are very clear on what their perceptions are. But, I would really -- it would help me a great deal in making the decision about this if we could have an open hearing, a public hearing. The post agenda tends to be a little internal --

The Chair:

Councilman, just to be clear, I wasn't arguing for post agenda, I was arguing originally for a public hearing --

Mr. Udin:

I wasn't referring to you, Mr. President.

The Chair:

-- but I think Council is being ambivalent about why they want a recommittal versus post agenda or a hearing. I wish we could just decide now,

do we want to recommit it or do we want to have a public hearing.

Councilman.

Mr. Udin:

I'm trying to be un-ambivalent about my choice.

The Chair:

Thank you.

Mr. Udin:

My choice is for a public hearing, because in my experience here on Council, although short, the public hearing seems to be the arena where most input from the public is received as opposed to the post agenda, which tends to be a rather internal kind of dialogue.

The Chair:

Thank you, Councilman. Any other discussion?

I'm going to vote for the recommittal but I'm voting for the recommittal and I'm going to argue strenuously tomorrow that we expedite a public hearing and get this over with, get it debated, and let's move on it.

Any other discussion? Roll call vote on recommittal solely. That's the motion that Councilman Hertzberg made.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair:

The bill is recommitted.

Also,

Bill No. 2618

A Resolution entitled, "Resolution directing the City Treasurer, Director of Finance and City Solicitor to investigate the City of Pittsburgh's ability to implement a "tax amnesty" program and to report back to Council with recommendations regarding implementing such a program.—**(SPONSORED BY MR. CUSICK)"**

Which was read.

The Chair:

Other discussion on the other bill that Councilman Cusick had introduced? Any other discussion?

Mr. Onorato:

I would like my comments brought forward.

(REMARKS--SEE ADDENDUM)

The Chair:

I would like my comments brought forward also.

(REMARKS--SEE ADDENDUM)

Mr. O'Connor:

My comments brought forward, too.

(REMARKS--SEE ADDENDUM)

The Chair:

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES 1

(MR. ONORATO VOTING NO)

The bill having received the legally required number of votes passed finally.

MR. UDIN PRESENTED

Bill No. 2654

Report of the Committee on Planning, Zoning and Land Use for November 1, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2402

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning, District Map No. 11, by changing from "R4" and "R5", Multiple-Family Residence Districts, and "M3", Light Industrial District, to "A1" Commercial-Residential Associated District, certain property having frontage on Baum Boulevard between North Craig Street and the Busway, three properties having frontage on the easterly side of North Craig Street, and four properties having frontage on Melwood Avenue, 5th Ward. (COUNCIL DISTRICT NO. 6)"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 2655

Report of the Committee on Public Safety Services for November 1, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2597

A Resolution entitled, "Resolution authorizing and directing the Directors of Public Safety to prepare a report on Implementation of Pittsburgh Code Chapter 602 - Minors.—**(SPONSORED BY MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2598

An Ordinance entitled, "Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Chapter 777, Amusement Devices, by correcting Section 777.05 (e).—**(SPONSORED BY COUNCILMAN HERTZBERG AND ONORATO)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Hertzberg:

I ask my comments be brought forward, first, on both bills.

(REMARKS--SEE ADDENDUM)

The Chair:

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, is there any matter to come before the body? Hearing none, I would like to ask that in approving the Minutes, we also recess this meeting until tomorrow, Thursday, at 2 p.m. We normally would have done it immediately following the Standing Committee but it is not clear that the bond issue will be resolved by then, so we will do it at 2 o'clock. So, if there is no objection, I would like to ask for the recess until tomorrow at 2 p.m., Legislative Session.

Mr. Hertzberg:

So moved.

MR. ONORATO seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of **MR. HERTZBERG**

Council recessed.

Pittsburgh, PA
Thursday, November 9, 1996

And the time of recess having expired, Council reconvened.

The Chair:

Good afternoon, everyone. City Council's Legislative Session is now in order from the Recessed Meeting that we held yesterday. We're going to dispense with the reading of the roll, there is a quorum present.

At this time, under the Committee of Finance and the Budget, Councilman Onorato. I would ask that the Clerk please call the bill.

MR. ONORATO PRESENTED

Bill No. 2656

Report of the Committee on Finance and Budget for November 9, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2539

A Resolution entitled, "Resolution authorizing and directing issuance of a series of General Obligation Bonds, Series A of 1995, dated as of November 1, 1995, in the aggregate principal amount not to exceed $75,000,000, and a series of General Obligation Refunding Bonds, Series B of 1995, dated as of November 1, 1995, in the aggregate principal amount not to exceed $70,000,000."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

And, I believe we have a motion from Councilman Onorato.

Mr. Onorato:

Mr. President, I don't know, I guess we're going to just treat this as a discussion session, correct, we can bring them to the table, even though it's Legislative?

The Chair:

Well, we normally don't because it's a Legislative Session, but it's up to my colleagues.

Mr. Onorato:

I make a motion that we suspend the Rules and allow discussion, since we did not have the opportunity during the Committee.

MR. UDIN seconded the motion.

The Chair:

Second. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Councilman.

Mr. Onorato:

And, whoever wants to come to the table that could address, or answer the question we might have regarding the

Mr. Hennigan:

I was going to request that Myles Harrington and Tony Pokora and myself, is that acceptable?

The Chair:

Is there a motion on the floor to amend by substitution.

Mr. Onorato:

I make the motion.

MR. RICCIARDI seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

The amended bill, which includes the actual fees and the amounts of the protected bond issue are now on the floor. I believe you have the package in front of you. Councilman Onorato.

Mr. Onorato:

The $75 million bond issue and there's $70 million for refinancing, all of this is part of one bond issue; correct.

Mr. Hennigan:

It is one bond issue broken into two series and we can correct that number on the refinancing. Mr. Harrington.

Mr. Harrington:

The total principal amount of refinancing bonds is $104,705,000.

Mr. Onorato:

And if we can go through first of all the interest rate, what interest rates we have because this was competitively bid and if you can give us the interest rate for both series and also for the refinancing what the interest rate was compared to what it will be.

Mr. Harrington:

On the new issue, the bond yield which is a measure of the average interest rate on the bonds is 5 percent. And the rates on the bonds that were refunded were in one case 7 percent and in another case 6 percent.

Mr. Onorato:

Why are they higher?

Mr. Harrington:

Two different series. They were issued in prior years, in the 80s.

Mr. Onorato:

I'm sorry that was the old number --

Mr. Harrington:

--Those were the old numbers.

Mr. Onorato:

And what is the new rate on refinancing, five?

Mr. Harrington:

Five percent.

Mr. Onorato:

Is the five the same for both the refinancing and the new?

Mr. Harrington:

That's the blended rate; correct.

Mr. Onorato:

What's the anticipated savings from that change in interest rate over the life of the these bonds?

Mr. Harrington:

$6.8 million.

Mr. Onorato:

And the length of the bond was not extended; correct?

Mr. Harrington:

It was not. In fact, it was shorter.

Mr. Onorato:

What was the life remaining on the refinanced ones?

Mr. Harrington:

The average life on the bond that we refunded was approximately 12 1/2 years and on the new bonds it's 10 years.

Mr. Onorato:

The part that we're refinancing was 12 1/2 years average life; correct?

Mr. Harrington:

The average life. If you take all of the principal maturities that were refunded, it was 12 years. It's now approximately 10 years.

Mr. Onorato:

On that particular part that we're refinancing it's going to be how many now, ten?

Mr. Harrington:

On average 10 years, yes. If you wait and consider –

Mr. Onorato:

--Say about 2 1/2 years?

Mr. Harrington:

Yes.

Mr. Onorato:

Also, if we can go over the cost associated with this issue. Do you have a chart showing all the expenses?

Mr. Harrington:

Exhibit D.

Mr. Onorato:

Exhibit D?

Mr. Harrington:

"D."

Mr. Onorato:

Anywhere there's a percentage if you can convert into dollar figure I would appreciate it.

Mr. Harrington:

In the case of the ones that are shown as percentages they're a function of the size of the issue and the size of the issue is not determined until after the bids came in so that is why they're shown on here as a percentage and the final sizing was not done until about 11:45 AM or 12:00 PM today.

Mr. Onorato:

That's that number you give us earlier?

Mr. Harrington:

Yes, exactly. That number was not fixed until about Noon today so everything that is a variable cost that is a fixed percentage, what's shown as a fixed percentage here, so in the first item which is the insurance premium, bond insurance premium, that comes to approximately now exactly $683,000. The financial advisor fee $1 per bond, $179,705,000. The investment agreement brokerage fee which is for the solicitation of investment agreements for the deposit of the monies will come to approximately $40,000 or $45,000 and the reason for that bid is coming in this afternoon so we don't know all the details of that yet.

The escrow securities brokerage fee will come to approximately $20,000. That bid just came in less than a half hour ago so we haven't had a chance

to fix it but I am telling you within plus or minus $1,500 what these numbers are. Everything else, there is a fixed dollar number.

Mr. Onorato:

Let me just ask a few other things. The timing -- when we go out on competitive bond or any bond issue the interest rate that we lock in, Council has to approve within that day?

Mr. Harrington:

Exactly. It has to be approved today we told the bidders that the bids would be -- they would be informed of the winning bidder by 3:30 PM, I believe.

Mr. Onorato:

3:30 PM today.

Mr. Harrington:

Yes.

Mr. Onorato:

Let me ask you --

Mr. Harrington:

--Because their exposed to any interest rate movements in the interim. So if it was confirmed tomorrow, any movement in the market, if you didn't approve it they would sustain -- they would suffer a loss.

Mr. Onorato:

The rate of this average of five that we're talking about, 5 percent is locked in for this date until 3:30 PM?

Mr. Harrington:

Until 3:30 PM.

Mr. Onorato:

The other question I had, earlier in the year there was a lot of P.R. coverage, media coverage of the City being downgraded. What exactly is that costing us on this particular bond issue?

Mr. Harrington:

Well, it's difficult to quantify because the prevailing interest rates today are considerably different than they were last year when we did a general obligation borrowing. And the other reason it's difficult is the insurance premium this time is lower than it was last time. So market forces have caused the cost of this issue to go down relative to, for example, the insurance -- which would be measures of how much it cost but in my opinion it probably cost about five bases point in interest rates so instead of an average rate of 5 percent perhaps 4.95 percent we had a higher rating than the one we have today. In other words to translate it into an interest cost differential.

Mr. Onorato:

So that .05 increase on the average roughly would cost about how much over the life of the bonds?

Mr. Harrington:

If you give me a second I can calculate that.

Mr. Onorato:

Okay, that's fine.

Mr. Harrington:

Go ahead you don't have to wait for me.

Mr. Onorato:

That's all I have right now, Mr. President.

The Chair:

Thank you. Councilman Udin.

Mr. Udin:

I have a question about --

Mr. Onorato:

--Do you have the answer? I'm sorry.

Mr. Udin:

Go ahead. I will wait.

The Chair:

And just to be clear, we do had two bidders on one portion and three bidders on the other.

Mr. Onorato:

While he's figuring that out, one more time so I can write this number down, those first four items that were a percentage of the total proceeds, what was the proceeds number that these percentages are calculated on again? It was how much?

Mr. Harrington:

It's $179,705,000.

Mr. Onorato:

Thank you.

Mr. Harrington:

To quantify the five basis points, it's roughly $60,000 a year. Now one thing that I should say though is, if we were in the exact same circumstances market conditions as last year at this time, the insurance premium would have been higher and probably as much as say 40, $45,000 higher than last year at this time. Right now the competitive forces are causing insurance premiums to drop dramatically. So what you're trying to do is identify how much additional it would cost as a result to a lower credit rating and I'm saying that in addition to the $50,000 a year or $60,000 a year debt service, probably the insurance payment would have been higher as well by roughly 40, $45,000.

Mr. Onorato:

That's last year but as of today the insurance premium would still be the insurance premium.

Mr. Harrington:

It is but as a rate the insurance -- the rate that we were charged is lower this year than last year.

Mr. Onorato:

But that is separate from the additional interest rate caused by it.

Mr. Harrington:

That's correct.

Mr. Onorato:

So the actual cost is the $60,000 per year?

Mr. Harrington:

Yes.

Mr. Onorato:

Thank you.

Mr. Harrington:

But people differ on this point. Some might argue it's 7 1/2 instead of five bases point but I think it's conservative to say five.

The Chair:

Councilman Udin.

Mr. Udin:

My question has to do with the difference between going out on the bond for two years versus one year and it relates to my concern about the City's fiscal condition and the amount of debt service that we will have to carry for two year's worth of bond issues as opposed to one and what impact that will have on an already burdened by deficit budget of the City. Could you respond to that?

Mr. Harrington:

Sure, we'll be happy to do so. The advantage for and you're referring to just going out on doing a bond issue this year for one year of capital improvements and then the following year going out for another bond issue for another year of capital improvements.

Mr. Udin:

Well I understand that if you're kind of guessing that the interest rates are lower this year that we can anticipate for next year but my question is that since we're going out for two years –

Mr. Harrington:

Right.

Mr. Udin:

--And we immediately start paying on the debt service for that enlarged two year bond. My question is what impact will that have on the City that's already in a serious fiscal crisis of picking up the debt service for such a large bond issue?

Mr. Hennigan:

There are three issues to look at in making that decision. One, is the interest rate environment which is particularly favorable right now. The other is the cost of issuance by doing it over – instead of doing two issues – instead of instead doing one issue instead of two in subsequent year, you reduce the overall cost of issuance. And then the third issue to look at is, by borrowing more money up front what are you going to do with that money before you spend it and what we're

doing is we're soliciting investment agreements this afternoon so that the money will be invested at what we consider to be a very favorable rate. Now in terms of the actual difference in debt service, I'll ask Myles to respond to that.

Mr. Harrington:

The rate at which the money will be invested is very close to the costs of the bonds. So if you're paying 5 percent on the bonds and you earn at least five percent on the money that's not being used until next year then it should off-set each other and I think that is one reason why you don't suffer as a result of doing two years worth of capital borrowing.

Mr. Hennigan:

In any situation those three criteria could be different so we had to evaluate all three of them to make the decision to do the two are year issue.

Mr. Udin:

So based on how you plan to invest the money that is not being used in the first year, you're saying that it will not negatively impact the debt service that we will have to bear –

Mr. Hennigan:

Correct.

Mr. Udin:

–For this too year issue.

Mr. Hennigan:

That is correct, Councilman.

Mr. Udin:

My second question has to do with minority participation in the winning bids. Why don't you describe what that is?

Mr. Hennigan:

Sure. Myles, would you?

Mr. Harrington:

Each of the groups was required in the solicitation of the bid -- could I just read you a sentence or two here in terms of what the requirements were? It says not will less than 50 percent of the bonds must be allotted to underwriting firms which are local MBE and WBE to the extent such firm place orders for the bonds at rates and prices consistent with the winning bid. It says furthermore qualified orders from MBE firms must be filled up to 25 percent of the face amount of the bonds and qualified orders from WBE firms must be filled up to 10 percent of the face amount of the bonds. The financial advisor acting on behalf of the City must receive a written report from the winning bidder within 48 hours of the award showing the orders received and the allotments made to each firm. Failure to comply with the City's local MBE and WBE targets could result in forfeiture of the good faith deposit which was $3 million.

So they took this pretty seriously and the winning bidder which was a group headed by Lehman Brothers out of New York to include Reinoso & Company which is a minority firm, Grigsby Branford & Company, another MBE firm. Let's see here -- they have some other firms on here the names of which I don't recognize but I believe also qualifies as

MBE/WBE qualifying firms. Grigsby Branford & Company –

Mr. Udin:

Do we have that what you're reading from in this package?

Mr. Harrington:

As a matter of fact it was just copied.

Mr. Onorato:

Is it this page here?

Mr. Harrington:

Yes, there you go.

Mr. Onorato:

Oh, I'm sorry.

Mr. Harrington:

In addition, the investment agreement solicitation was handled by Pacific Matrix which is a MBE firm. A representative from Pacific Matrix is here, Dwight White. Also, there was a Disclosure Counsel, Ford & Council, Mr. Claude Council, also an MBE firm.

Mr. Udin:

They met the 25 percent?

Mr. Harrington:

They're required to meet the 25 percent. In other words, they had to fill any orders that they receive from MBE firms or WBE firms up to 25 percent of the issue in this case of MBE and 10 percent of the issue in the case of WBE.

Mr. Udin:

Who monitors this over the life of the bond?

Mr. Harrington:

Well upon the sell, they're required to identify who are the minority firms and they're required to show us how they handle the allotments. So, if a firm puts in an order for the bonds, which are not filled, then that could be a violation of the terms and it could forfeit $3 million.

Mr. Udin:

My question is, who will be monitoring it?

Mr. Harrington:

Well, they're required to sent it to us and it's our responsibility to monitor it.

Mr. Hennigan:

And we'll know that within 48 hours.

Mr. Udin:

How soon will Council know?

Mr. Hennigan:

I'll send something up to you immediately after I know it.

Mr. Udin:

Thank you.

The Chair:

Councilwoman McDonald:

Ms. McDonald:

I'm just curious and this is -- I am pleading ignorance here but on page 3 where it has Debt Service Schedule Series A, the new money bonds --

Mr. Hennigan:

--Page 3 of the resolution, Councilwoman?

Ms. McDonald:

Yes. It's all the way in the back. In fact, it's probably the fourth or fifth page from the back.

Mr. Hennigan:

We have it.

Ms. McDonald:

Why does the principal balloon up so dramatically between March of 2009 and March of 2010? Normally, it's a more graduated schedule.

Mr. Harrington:

This debt service schedule makes the City's annual debt service equal annual payments. So rather than having a debt service schedule which declines over time, what this does is it makes all of the annual payments equal to each other. So it's structured not have so much to make it symmetric in this case but to make the total debt service of the City symmetric.

Ms. McDonald:

I see. So that the annual payments are whatever.

Mr. Harrington:

Are always the same predictable for 10, 12 years into the future.

Ms. McDonald:

Thank you.

Mr. Hennigan:

And that is a guideline established by the Department of Community Affairs of the Commonwealth.

The Chair:

Other colleagues? Is there a reason why there are only two competitors and/or three bidding on this?

Mr. Harrington:

The size of the issue caused the major firms to get together and form a team. The risks that they take are after their bid is awarded that they may not been able to find buyers for these bonds So in order to spread the risks among themselves, these big giants grouped together. And as you can see in the groups, you have the likes of Merrill Lynch, Lehman Brothers, Prudential --

The Chair:

--That is not what I'm confused about, where are the groups listed? Do we have the list for Lehman or is this a list for Lehman, Paine-Webber and -- why does it

have listing for Prudential if there's no bid -- or Prudential didn't bid on one under Series A?

Mr. Harrington:

That's correct. I think it's Series B that they didn't bid on.

The Chair:

And there are only three that bid on Series B inch including Prudential.

Mr. Harrington:

That's correct. And if you look at the firms --

The Chair:

--Where are the participants in each three of these competitors?

Mr. Harrington:

--You got your finger on one of the pages there.

The Chair:

I don't understand the way it's broken down.

Mr. Harrington:

Where your hand is right there. Your left hand. Isn't that Prudential's list?

The Chair:

I don't know because -- yes, Prudential securities.

Mr. Harrington:

You don't have Lehman's list you say?

The Chair:

I don't know what I have. I'm trying to understand what I have. Excuse me, I see one list and it says Prudential. Where is Lehman's list, where is Paine-Webber's?

Mr. Harrington:

The last page. That one. That's the Lehman syndicate, the one before it is the Prudential syndicate.

The Chair:

It's just in a different format.

Mr. Harrington:

Yes.

The Chair:

I didn't understand the way -- okay.

Mr. Harrington:

It's just a display that each group show there's two bidders or three bidders per series. It shows that Lehman is the lead underwriter on that and is sharing the responsibility between all those other underwriters.

The Chair:

And why is there some change that's notated on one of the bids? Who changed that?

Mr. Pokora:

If I may. Some of these bidders come in and they change their bids up to the last minute. They're on the phones – our closing date was 10/30, they were on the phones up until 10/29 talking to their headquarters and changing numbers and changing bids. Those numbers were all changed prior to our opening of those bids. When we opened those bids, those numbers were already changed.

The Chair:

So whose notations are these, D. A. C. or D. L. C. or – your telling me they did that before the bids were open? What is the former interest rate for the initial bond that the City had, the previous bond, the outstanding bond?

Mr. Hennigan:

That which was refunded?

The Chair:

Refinanced bond, excuse me.

Mr. Harrington:

They were refunded. One was at 6 percent and the other one was at 7 percent.

The Chair:

Six and seven – Oh, they're two different previous bonds?

Mr. Harrington:

Yes.

The Chair:

They were consolidated.

Mr. Harrington:

Yes.

The Chair:

And the interest rate now is what, 5.35%?

Mr. Harrington:

On average it's 5 percent.

Ms. McDonald:

Is that the list that goes back to 1986?

The Chair:

I guess that's what I am trying to ask is of the cost savings associated with refinancing the previous two bonds, how much is the interest rate and/or the actual cost savings to warrant the refinancing?

Mr. Harrington:

I'm not sure the distinction between interest rate savings and cost savings.

The Chair:

Well I guess what I want to know is there enough money made or are we paying a lot of fees just to refinance bonds?

Mr. Harrington:

The $6.9 million is after all related expenses so it's not just sort of a gross number and then you subtract expenses from that. That's after all allocable expenses associated with the refunding.

Mr. Onorato:

That's over the length of the pay back? That's the interest savings over the 10 years?

Mr. Harrington:

Yes.

Mr. Onorato:

Okay.

The Chair:

I still don't know the answer to my question. Of the refinancing of the previous two bonds, what was the cost saving and was it fiduciarily responsible to do this?

Mr. Harrington:

$6.9 million dollars is the savings as a result of the reduction and interest rate.

The Chair:

$6.9 million. The previous two bonds for the term of the previous two bonds.

Mr. Harrington:

That's correct. That's correct.

The Chair:

So there is a cost savings of $6.9 million minus whatever the issuance costs were?

Mr. Harrington:

That's after issuance costs.

The Chair:

After the issuance cost?

Mr. Harrington:

Yes.

Ms. McDonald:

Is that this list that you're --

Mr. Harrington:

Yes.

The Chair:

The other question --

Mr. Onorato:

That other point though since you're on it because I know in the past it has always been a trick where they show

the savings and push out the payments of re financing and I think it's important to show that this has been reduced actually, the payment.

Mr. Harrington:

The term of the new bonds --

Mr. Onorato:

-- are lower than the old ones, shorter.

Mr. Harrington:

Let me state this very clearly. The bonds that are being refunded had a term on them of approximately 12 1/2 years. The bonds that refunding those have a shorter term of approximately 2 years less -- 1 1/2 to 2 years less. I don't have the numbers right here in front of me but I can find them if you want me to find the exact number of years. But in any case, they are definitely shorter term.

Mr. Onorato:

I think it's important because I know there have been other cities that have played with numbers showing their debt service decreasing but what they have done is just pushed out the payments and pushed it off but this one I think it's important to show you decreased the years which to me I was looking for that. That is a big point for me that you didn't push it out.

Mr. Harrington:

We did not push it out.

Mr. Onorato:

Thank you.

The Chair:

In more recently previous bond issues, be they competitive or negotiated, where there was a MBE/WBE participation, what was the end result after you had those requirements, do we know?

Mr. Harrington:

The firm of W.R. Lazard, for example, and Grigsby Branford, in particular, those firms -- we got as much as 10 to 15 percent of the issue and when we checked to find out if there are orders, we called them directly to find out if they were satisfied with their treatment and in no cases were there complaints.

The Chair:

Do you have numbers on the previous bonds?

Mr. Harrington:

I don't have them here.

The Chair:

Can you supply them to us?

Mr. Harrington:

I could try to pull those out.

The Chair:

And what is the final dollar amount that we'll actually yield as a result of the issuance, cash on hand after expenditures?

Mr. Harrington:

In terms of the new –

The Chair:

–After fees and –

Mr. Harrington:

It's seventy –

The Chair:

–seventy three –

Mr. Harrington:

After costs, they show $72,700,000. Now I should point out that $200,000 for the difference is not related to any are costs it is accrued interest which I don't think you want a technical explanation of accrued interest. But accrued interest is supplied by the bidder and then the bidder gets it back when the first interest payment is made on the bonds, its just the way the way the bond market works when a bidder buys a bond. If you buy a bond from your broker, typically you have to pay accrued interest for it when you buy it. which is interest that has accrued since the last payment date and then when the next payment date comes, you get the money right back because the guy who's selling the bond is expecting to get his interest as well.

The Chair:

Why is it the other large Pittsburgh banks are not a part of any of the other proposals except PNC?

Mr. Harrington:

PNC is probably one of the most active in competitive bid market. The other banks have not be active but I think Mellon should be –

The Chair:

Mellon Bank is not active in this?

Mr. Harrington:

No, they are active. That is why I'm surprised.

The Chair:

I only see PNC relative to –

Mr. Harrington:

I'm looking at the other lists because bids were solicited from them, not only for the bonds from all the banks but we also solicited for the investment of the proceeds, we solicited bids from the local banks.

Mr. Onorato:

Maybe that's the better way to ask the question. Who did you solicit locally? If they didn't respond, that's their choice.

Mr. Harrington:

Every firm locally that underwrites municipal bonds and all of the commercial banks were solicited.

Mr. Onorato:

And in Pittsburgh, we're talking about?

Mr. Harrington:

Yes. Now we had minimum rating requirements on the investment agreements. So in the case of Integra, which doesn't have a single A rating, they didn't satisfy the City's guidelines for investment.

Mr. Onorato:

Were there any other banks that were disqualified because of that guideline?

Mr. Harrington:

No.

The Chair:

Who didn't have the rating, I'm sorry.

Mr. Harrington:

Integra does not have an investment grade rating. But I should say they don't have a single A rating. They do have an investment grade rating but it's not single A and the criteria was that if you were to participate in the bid, you had to be rated at least single A.

Mr. Onorato:

Was there anyone other than Mellon and PNC that did qualify?

Mr. Harrington:

Well, no. In fact, in the state of Pennsylvania there's only like four banks, maybe five banks in the entire state that will qualify.

The Chair:

But why do we have that bill in particular?

Mr. Harrington:

It's part of the City's investment policy guidelines. And also Act 72 sets forth some criteria as well in terms of what your allowed to investment municipal funds in.

The Chair:

Other discussion? Councilman Ricciardi and then Mr. Udin.

Mr. Ricciardi:

Thank you, Mr. President. And since we've waived the rules for discussion at our legislative body, I would like to ask a policy question to our Director, Mr. Paul Hennigan. Mr. Hennigan in the past, I have always stated that G.O. bonds obviously should be competitively bid but I always believed we should always step back and see if that was the best route to go, the best avenue. How could we make a comparison to see the taxpayers received the most for their dollars since we have the numbers before us if we would have negotiated the rate bond?

Mr. Hennigan:

We do that regularly and the way that we do that is we'll check the market for yesterday, today and tomorrow to see what other transactions have occurred throughout the country. We try to find at least one or two comparable transactions and we look to see if it was done competitively or negotiated as kind of our

own bench mark. So we'll be able to get back to you if we have not already checked the market today and I don't know if Myles has that answer today but we do that routinely. We could get back to you tomorrow and let you know whatever comparable deals have occurred throughout the country.

Mr. Ricciardi:

Obviously, it's easy to Monday morning quarterback so I am just curious to see that we should do that review process and if it turns out we should have negotiated, obviously I'm not going to be pointing fingers or anything like that but I think that's a good route to take because it will give us an idea or bench mark for the future. I don't want to interrupt Harrington I think he was going to say something on this note.

Mr. Harrington:

Just I was going to give you one example. The underwriters discount, the compensation paid to the firm which won them the bid is only $4.36 a bond which is half of the norm for a negotiated bond issue.

Mr. Ricciardi:

But how does that relate to what Mr. Hennigan just stated for comparable bonds that went out yesterday, today and maybe tomorrow, I'm a little confused on how that backs up or supports his reasoning?

Mr. Hennigan:

What Myles is saying is just a comparable rate that would be out there on negotiated deal. We are already know that what we're paying today is half of what is a comparable rate and what I am saying to you is we're checking the market for yesterday, today and tomorrow and we'll get back to you and let you know what actually happened out there.

Mr. Ricciardi:

The other question I have is on the MBE/WBE component of this bond and that is, out of the agencies or companies that are certified MBE/WBE in this field. Number one, how does their certification or who certifies the company but who benefited from this region, the City of Pittsburgh, Allegheny County and Pennsylvania. Some of those companies you mentioned, Myles, you mention you weren't even sure who they were so I want to make sure that obviously we're helping in this component our taxpayers, our residents and people that really do business in the economy in the City Pittsburgh. So do you know where they're located at all, some of those?

Mr. Harrington:

Among the firms locally that will benefit, of course, are PNC and N.D. Meyer.

Mr. Ricciardi:

I am talking about the MBE/WBE. I apologize for not making --

Mr. Harrington:

Oh, I'm sorry. As you know, there are no MBE/WBEs located in Pittsburgh that are underwriters of municipal bonds?

Mr. Ricciardi:

No, I was not aware of that.

Mr. Harrington:

Now, Pacific Matrix may now be actually qualified and you asked who qualified them. And when they appear in the bond buyer what's called the red book in other words, the way you qualify a bond firm is if they're in the red book. If one of these firms appears in the red book that's in effect a qualification so that's one of the places we check when we take every firm that that's on the list in the bond buyer and send them a solicitation for bid.

Mr. Ricciardi:

The second question was did our firms or our MBE/WBE firms are they going to be part of this process, when I say our firms the ones from City of Pittsburgh, Allegheny County. You mention there's none from the City, there must be from the region. I mean we're not going to New York, California or that far out to bring in that component, are we?

Mr. Hennigan:

Underwriting firms in this region?

Mr. Ricciardi:

Correct.

Mr. Hennigan:

No. Other than Pacific Matrix, no.

Mr. Ricciardi:

So, Pacific Matrix is from this region and where is their office located?

Mr. Harrington:

615 Smithfield Street.

Mr. Ricciardi:

So that's what I am saying if you see what I'm trying to say Mr. Harrington that I support the component of MBE/WBE participation but I want to make sure that component is one that is going to benefit our community, the community here in at the City of Pittsburgh, Allegheny County possibly Pennsylvania. So again and I'm not putting you on the spot and I am voting for this but I just want to make sure some of those companies that you said you're not sure who they are or where they're located, does that mean people they're from outside of Pennsylvania.

Mr. Harrington:

Yes, it does. It did does mean that. There's approximately I would say maybe 1,500 firms that are likely to participate in these.

Mr. Ricciardi:

Couldn't we direct those that were holding the bonds to really deal with an MBE or WBE that is here such as the one that was just mention at
615 – where was it Grant –

Mr. Udin:

--Smith field Street.

Mr. Ricciardi:

Smithfield Street.

Mr. Harrington:

In fact, typically what happens is --

Mr. Ricciardi:

--That money will stay in the economy if you see what I mean, Myles? The money would stay in the economy here. I would think that if someone is located here in the City of Pittsburgh or Allegheny County, the spin off of their monies will stay in our economy and not sent outside of it.

Mr. Harrington:

And you can't force the MBE firms to take bonds if they don't want them but if they want them, they're available. All they need to do is place an order.

Mr. Ricciardi:

If they want more of a percentage, is that route available to the firm if they want more of a percentage, more 25 percent?

Mr. Harrington:

Well if their order is competitive with other orders and there is a pre-existing prior of orders, they can get them. They have the same ability to get them as any other firm. They have a greater ability to get them with these requirements because if two bids come in that are identical and they haven't satisfied the 25 percent, then the MBE firm has to get the bonds.

Mr. Ricciardi:

Hopefully, all of you see what I'm saying, I'm not sure. Hopefully, I am making it very clear because I'm not an expert in this type of field but I'm just saying sometime I wonder about the MBE/WBE component and who exactly is it helping, you know, is it helping residents from outside the area which is okay to a certain extent or is it really helping residents outside the City of Pittsburgh and Allegheny County. I will let it go now, but maybe it's something I'll like to understand much better in the future and discussions with the Administration in the future and obviously my colleagues. Thank you.

The Chair:

Councilman Udin.

Mr. Udin:

I want to follow up on a question that President Ferlo asked you about last year's -- or the last bond issue and the minority participation in it, I think you said it was around 10 percent?

Mr. Harrington:

It was over a years ago so it's a little bit hard for me to recall the exact percentage but the point is, that we get a report that shows the orders that were placed and the orders that were filled and that's the basis on which you check to see whether or not they satisfy the MBE requirement. And it's that information which I'm going to try to dig up on that.

Mr. Udin:

I'm concerned about the discrepancy between goals and actual involvement and what I'm fearing is that we may set a goal of 25 percent but the actual participation is only 10 percent and if that kind of discrepancy then I'm interested in knowing what can be done to maximize the involvement so that the goal is met and it's not just a paper goal?

Mr. Harrington:

This is an issue -- you identify a very good issue and what needs to happen is the firms have to place the orders. If the firms place the orders then you can meet the targets but if they don't place the orders you can't really make them place orders for the bonds, that's the difficulty here.

Mr. Udin:

I am wondering if there is something in the system that is some impediment to their placing the orders?

The Chair:

But we don't necessarily know if they did place the orders though. Do we have any -- what is the information on that?

Mr. Harrington:

Well, we'll know if they placed the orders when we get the report that indicates where the orders came from and which ones were filled.

The Chair:

But we don't necessarily have that. Do you know that?

Mr. Ricciardi:

It's a structural problem in placing the orders is that what you are asking, I believe Councilman, is that what you're asking if there's a structural problem why they would not place the orders?

The Chair:

I think what Councilman Udin is asking is what can we verify relative to the previous bond issue, what number of order -- percentage of orders were actually placed by MBE/WBE firms and what was actually awarded? I don't know that we know that information here at this table, do we.

Mr. Harrington:

No.

The Chair:

It would suggest that maybe nobody's checking this afterwards anyway.

Mr. Cusick:

I'd like to ask a question.

The Chair:

Councilman Cusick and then we're go to go back to Councilman Udin.

Mr. Cusick:

I'm sorry, Councilman Udin, did you have an additional question?

Mr. Udin:

I will await the information, you said you're going to dig some information.

Mr. Cusick:

The Mayor's goals in the executive order is 25 percent minority, 10 percent women, am I incorrect? If we don't fill the 10 percent with a woman owned firm, do we then apply that 10 percent to the minority? Is that the goal that we try to reach try to reach at 35 percent or do we only try to reach a 25 percent?

Mr. Harrington:

The objective is 25 and 10 percent and if the orders come in they have to be filled at 25 and 10 percent. There's never be a situation in our experience not just with the City but otherwise where they had a problem with orders in excess of the 25 percent and the 10 percent from MBE/WBE firms.

Mr. Cusick:

I guess the question I'm asking, if it's 25, 10 percent do you also advertise when you advertise or 35 percent, whichever?

Mr. Harrington:

No. It's written in here as we have been told by the Solicitor's office as provided in the code which is 25 and 10 City Code.

Mr. Udin:

Does the negotiated process result necessarily in high minority participation? Yes, that was a question for Councilman Cusick.

The Chair:

It could, yes.

Mr. Cusick:

It could, yes.

Mr. Harrington:

It could, yes. But at the same time you have two competing goals and it's a priority that you establish as a Council and that is, there is a trade-off in rates if you want a completely competitive process then one of the features of that completely competitive process is that whoever puts in the order for the bonds at the best price gets them, that's the rules of the competitive process. In a negotiated process, you can mandate that a certain percentage of the bonds go to MBE/WBE firms and the issue there is, it's not done in the same competitive fashion you can

establish the rates at rates that make the bond salable in order to fill that goal. So, there may be a trade-off between rate and that goal in comparing competitive to negotiated.

Mr. Cusick:

Are you saying that you could not direct under a competitive situation, the 35 percent?

Mr. Harrington:

We have directed.

The Chair:

Councilman Udin, you still have the floor.

Mr. Udin:

Well, I'm still uncertain about what the -- because if we decide to opt for the competitive process in order to take advantage of whatever cost savings might result from that or other interest savings or whatever then it seems all the more important that we commit ourselves to enforcing the maximum participation in the goal of minority representation and the figure of
10 or 15 percent in the last go round is kind of disturbing. And if the minority participants here who are here today could shed any light on what obstacles there may be to that I'd be interested because after we pass this today, it's gone, it's done and we will need to know how we can follow up and make sure that the goals are met rather than just to say well that was our goal, it was a competitive process, they didn't submit, the bids are therefore -- the goal was not met. I'm not willing to sit by and let it go like that and if there is some insight that you have that might help us stay on top of this and maximize participation, I would like to know what it is. Mr. President if that would be --

The Chair:

--Well that's also -- to point out we're having comments made about what the previous situation is. We don't know and we have not received any specific quantifiable information regarding what the actual MBE/WBE participation was in the previous bonds. You made a general comment you thought it was 10 percent or I don't know that we have any information. There has been no information presented in writing verifying what that amount was, unless the Controller's office can shed some light on it.

Mr. Onorato:

On this point --

The Chair:

--Councilman Onorato.

Mr. Onorato:

There is also disagreement at this table but the one thing this table been united on since I've been here was the executive order of 25, 10 percent especially with the bonds and I have always stated that if there's any way that this country is going to ever help with the minority community dismal performance with everything is that they have to buy into the American dream and the capitalism just like anyone else good does and the one way to do it is for government to put in restrictions. And it appears that

we have two scenario's here and what and e really need the hybrid of both. The one scenario is you go out and negotiated it and you demand it and the cost of that are higher interest rates. The other scenario –

The Chair:

–You have asked that question in the past and it's never be verified.

Mr. Onorato:

In theory, when you negotiate it's going to be higher because you're putting stipulations on it. The other scenario is you go out free market competitive bids and you get the lowest possible rate of firms competing against each other. Councilman Udin's asking it and I support is, that when we put together specs for a competitive bid we're either putting together language that is best effort language or language that we're demanding. If we – and I guess this is a legal question, if the City wanted to put in a 25 percent minority participation in the specs for mandatory for a competitive bid, meaning the burden then of the risk goes to the person that bids because we're going to take the lowest interest rate that comes in and they know they have to use 25 percent through a minority firm, that if for some reason it cost them a little more than they anticipated, they share but that's a part of their bidding process. They have to share that risk. Legally, I would think we're allowed to do that. That we're demanding that 25 percent get sold through minority firms and our specs and if you want to bid, these are the rules. If you don't want to do that, don't bid.

Mr. Harrington:

That's what it says.

Mr. Udin:

That's what that yellow sheet was that you read?

Mr. Harrington:

That's right. That's right but it requires that they place orders for them. If they don't place orders for them, you can't –

Mr. Onorato:

Maybe you can explain that to me because I'm a little confused. If who places orders?

Mr. Harrington:

The minority firms. Because there is a group here and the minority firms in the group have to want the bonds. They have to place orders for them at the prices that have been established.

Mr. Onorato:

And this was the issue that came up about a year ago and this is where I guess I differ. Let's say that there is no minority firm that's stepping forward, that seems to be why we go down to 10 percent, if I'm following this right. They have to place orders; correct?

Mr. Harrington:

They have to want them, right.

Mr. Onorato:

They have to want them. If that isn't there, why don't we put the burden on these big companies that are bidding on this out of New York to create the market and to make sure – because a lot of times minorities firms don't have the wherewithal to get into this big game. Just like any small business, you don't have the capital to compete. If we require that, force the big boys on Wall Street to establish a minority department, I'll take that – if we demand it and don't allow them to say well there's no one out there therefore we couldn't find any minority. There may not be anyone out there because there is no market for it right now. That could be the problem here. We have to make sure there is a market so that minority firms start developing front companies because they want to participate. If we never allow them to participate, there are never going to be firms. It's a vicious cycle. So, if we demand then the market will be created and you will have minority firms developing over the years and I guess how can do that legally -- for the future, if it doesn't work on this one how can we get to that point where we demand that they do it and they can't find we're telling them you have to. You have to find a minority firm, it's that simple. Can we do that?

Mr. Harrington:

In that case, you would probably have to go negotiated it.

Mr. Onorato:

Why? If we put it in the specs, they know what the roles are?

Mr. Harrington:

Probably because if you look at how much money that they're working with – because the money that is in this is paid to salesmen to sale the bonds. In the competitive process, what you get is the lowest cost borrowing you can get. So if you say to them, whether you get the orders or not, you have to somehow or another – I'm not sure how it would work but somehow or another you have to price this thing so you can find somebody to buy it. In other words, you pay one price for it and you find – you sale it – because what they do is they resale the bonds. You find somebody -- you price this at a level that someone else will take it. What will happen is instead of your getting the sort of competitive process where the bid is the lowest possible bid that they can make, it adds a variable to the thing that they can't quantify.

Mr. Onorato:

I understand that and that is why I'm saying the burden, the risk is going to be going to anyone that wants to compete because obviously when you negotiate, there's minority firms there because you just said we could reach the goal. They're out there but we got to make the interest rate high enough to be economical for them. So, if we demand 25 percent minority participation, anyone bidding knows well if I'm getting my interest rate, there's a factor out there that I got to make sure that I can guarantee 25 percent participation. They have to put that into their bid in the mind, they're the experts. Sometimes they lose, sometimes they win. It's all on the market as you well know so I think in the future we should try to move in that direction which I consider a hybrid

of the two systems. Even if we demand 25 percent, I would guess in a competitive environment you would still end up with a lower rate than negotiated if you still force a competitive with that requirement in there and that's just my opinion. If we could look into that in the future, I would appreciate it.

The Chair:

Are you stipulating that Mellon Bank -- Act 72 precludes Mellon and Integra from bidding on this?

Mr. Harrington:

Say that again.

The Chair:

Are you stating and stipulating that Act 72 precludes Mellon Bank and Integra Bank from bidding on this?

Mr. Harrington:

No. Mellon Bank was included.

The Chair:

Where is -- I don't see any mention of Mellon. I see PNC.

Mr. Harrington:

What I was referring to was the investment of the money, not the bid for the bonds. Integra is not in the business of participating in municipal underwriting syndicates.

The Chair:

The winning bid. Explain this to me again? The winning bid has PNC securities and I asked an earlier question about Mellon and Integra.

Mr. Harrington:

Mellon and Integra -- Mellon was solicited to participate. Integra does not have a municipal syndicate department. They're not in the business of buying municipal bonds for resale.

The Chair:

And Mellon did not express interest?

Mr. Harrington:

Mellon apparently I have not seen -- no, Mellon did not express an interest in bidding on this deal independently and they may have joined one of these groups since the bids were taken.

The Chair:

But they're not listed.

Mr. Harrington:

No. They're not listed on the original groups but you should know that some of the people that are on the "Pru" list and some of the people that are on the Paine-Webber list will probably join the Lehman group now that the bids have all gone in to try to buy some of those bonds from Lehman, from that group. They form the group for the purpose of making the bids. Once the bids go in, anybody who

wants the bonds will contact the group leader and ask the group leader if they –

The Chair:

–Who is the group leader for Lehman?

Mr. Harrington:

Lehman.

The Chair:

Lehman, himself, is the group leader?

Mr. Harrington:

Lehman.

The Chair:

Lehman, himself, is the group leader?

Mr. Harrington:

Yes.

The Chair:

Any other discussions?

Mr. Udin:

Yes. I just wanted to inquire as to whether or not any of the minority securities representatives had any insight to shed on the question that we raised before about minority participation and how we can close that gap between 10 percent and 25 percent as a goal?

Mr. White:

I'm Dwight White, I'm with the Pacific Matrix Securities. We've given considerable thought to this issue and I think as I understand –

The Chair:

Did you change companies or something?

Mr. White:

Yes, I did. I'm with Pacific Matrix Securities, Co-Chairman. I think, if I understand it correctly the way the language is written, we are comfortable with that. We are back to this point of if 35 percent is the goal, that's a good number but if the orders aren't submitted then it's not much you can do about that. The issue would be if we placed orders that would exceed the 35 percent, met or exceeded that number and we did not receive an allocation that at least met the 35 percent, then you would have fallen considerably short of the goal.

I would like to have an opportunity to discuss this in greater detail with you individually if that is possible but I think the way the language is written now, it's acceptable to us.

Mr. Udin:

Thank you.

Mr. Cusick:

May I ask a question to Dwight? Could there be a better way of wording the minority participation?

Mr. White:

Yes, there is a better way of wording it. I'd like to think about that because I think there is some ramifications in terms of the market in general and working within a group that has to be considered.

Mr. Cusick:

Thank you.

The Chair:

Could you provide us with the contract language for competitive bid as it relates to MBE/WBE and what the contractual competitive bid language is from Chicago, Atlanta and Philadelphia? Would you please provide that to us?

Mr. Harrington:

Yes.

The Chair:

Thank you. Councilwoman McDonald.

Ms. McDonald:

I had a question for Mr. White but it's okay. It could be a question, it could be a comment. Personally, in my view I'm not a bond expert but this is not the first time I've been involved in talks or the dialogue involving the issuance of major bonds for funding. The problem that I see as far minority firms, it is a reality that there aren't that many MBE out there in the securities business. I've been through this. We've gone round and round and round even when I was on School Board about this and I think there can be a change in the language but my stance is this, I don't have really that much of a problem with not having too many MBE firms. My problem is to make sure that the few that we do have grow. You see the philosophy behind the MBE/WBE executive order is not to make a lot of little firms but it is to grow those that are there. It is basically to start new ones but the ones that are in existence, is to grow them so they no longer have to subcontract as a MBE/WBE firm. It is to make sure that they can truly compete with all of the other major firms out there.

So my stance is this, not to grow little ones but to take firms that have the track record, the technical expertise and to grow them so that one day they will be competing with Lehman Brothers, that they will be the "primes" in other words and not just the "subs." And, also, I think with any MBE/WBE firm it is a reality that minority business hire minority employees for the most part. So, I would just put a stipulation on that not only does the MBE/WBE firm grow, that we allow it to grow, not necessarily looking all over God's green earth for another one but take who we have and grow them but also to insist these firms buy into the whole employment aspect that you have to hire those that are left out high and dry and I think that would be all part of the spirit of things. But not to grow little ones because if you have too many little firms, that's all you're going to have is a bunch of little firms and they'll always be subcontractors taking a little wee piece of the pie and never ever be able to truly compete. I mean not in a real competitive market, not with the big boys. So, I want to make sure we get another minority and female-owned big boy, so to speak.

The Chair:

Where are the bid sheets for the other bidders? Do you have them? Were they changed like Lehman Brothers was changed? I don't understand how they're changed. You mean they didn't know enough to white it out and type in the correct numbers?

Mr. Pokora:

If I may reiterate, Councilman. These representatives for these companies were in the Controller's office about 10 o'clock this morning, the business open up at 10:30 AM, their forms were blank. They were on their phones from 10 to 10:30 AM negotiating for the numbers and they changed the numbers themselves, put it in the envelope that was submitted to them and submitted it to the Controller's office by 10:30 AM.

The Chair:

So whose initials are these that are on this changed form?

Mr. Pokora:

I don't know whose initials they are. I imagine they --

The Chair:

Who changed this form, this bid? Who's D. L. C. or D. A. C.?

Mr. Harrington:

These are probably the initials of the person who changed it.

The Chair:

Any other questions from my colleagues? Any other discussions?

Mr. Ricciardi:

I just have a question of Mr. Tony Pokora, Deputy City Controller, if I may? Mr. Pokora, I'm just curious, obviously it's always good to have checks and balances what exactly is the role of the City Controller on this bond issuance?

Mr. Pokora:

On this bond issue issuance because it was competitive, we insisted and had the cooperation of the financial advisors that the bids be submitted to the Controller's office by 10:30 AM today which we opened in public view. Every bidder who submitted a bid was also there to see the bid openings, read them out loud and produce them to the bidder so that they may review them. We then calculate them on a computer software program called "Monies" and determine who the lowest bidder was on both series, confirmed that with the financial advisor, Grant Street Advisors, and picked the lowest bidder.

Mr. Ricciardi:

Thank you.

The Chair:

Hearing no other discussion, at this time I would ask for a roll call vote on the bill. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. Onorato	

AYES 5 NOES none

(MR. FERLO, PRES'T, ABSTAINING)

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Legislative Session. Our Legislative Session at this time stands adjourned.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILL NO. 2601, WEDNESDAY, NOVEMBER 1, 1995)

Mr. Hertzberg:

I support this legislation. I kind of like the organizational aspect of it where we will have more control and we it won't have this fly-by-night types that come in with T-shirts and whatever they may want. Collect a bunch of cash real quick and bingo they're gone again. What about legitimate kinds of of vendors though? Who would they end up negotiating a deal with at either the Arena or the Stadium if they want to come in and set themselves up so that they are subject to all our taxes?

Mr. Schneider:

Again, we have had a series of joint ventures between people and vendors and we are open to talking to anybody about that. Obviously we need to raise revenues for the team and we need to increase the values of the concessions and we need to provide avenues to make it like Pittsburgh and the staff has done a great great job over there.

Mr Hertzberg:

Thank you.

The Chair:

Thank you.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

(BEGINNING - MESSRS. FERLO AND O'CONNOR'S COMMENTS ON BILL NO. 2618, WEDNESDAY, NOVEMBER 1, 1995)

Mr. Ferlo:

Point of procedure. Are you going to ask to vote on it today because it's very simple with the questions that we are asking here. My major concern is I don't want give amnesty for any of the dirt bags that own property in the city, the usual ones that refuse to pay and if part of this bill is for that I will vote no. If they are out of this bill then it is a different story.

Mr. Cusick:

For most part with we are only asking the Department of Finance to investigate at this point. Ultimately it will implemented but I will hope that it would come back to this Council.

Mr. Ferlo:

I will abstain.

Mr. Cusick:

Would you like to amend this and then for them to investigate it and get back to us?

Mr. Ferlo:

I will see what I can do.

Mr. O'Connor:

Can't you just ask them to give you the report?

Mr. Cusick:

It is directed to Treasurer.

Mr. Ferlo:

Call the vote.

Mr. Cusick:

The resolution is very clear.

Mr. O'Connor:

We are just asking for the information.

Mr. Cusick:

If you look at what amnesty has already done, the first week they collected $1 million and you know this goes back to New Orleans and the Mayor's program down there. They were able to collect $5 million in delinquent taxes and that would be big bonus for us here in the City of Pittsburgh. We should take a look at whether or not this is something that is of great value to us. I know there are a lot of dirt bags out there but if we reap from the benefit of this and some of our residents do, hard working residents who pay their taxes, they should reap from benefits.

Mr. Ferlo:

I want to make sure that amnesty is only on the wage tax.

Mr. Fees:

I believe it is any tax.

Mr. Ferlo:

I am voting for resolution. I favor the resolution as it is basically asking for information. I have major reservations with the amnesty so I'm asking that a resolution be amended to include a report from the Administration as to why it is that any and all legal options have not been explored by the Administration regarding the collection of the tax. It would be helpful for us to know that so if we are going to consider it – I think need a fuller report to evaluate it.

Mr. Cusick:

I'd like to key the resolution to directing the Director of Finance, the City Solicitor – and I'd like to include the City Controller to investigate the City of Pittsburgh's ability to implement a tax amnesty program and report back to Council.

Mr. Ferlo:

Was that an amendment?

Mr. Cusick:

No.

The Chair:

All in favor? Opposed? The ayes have it. One abstaining.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILLS NO. 2597 AND 2598, WEDNESDAY, NOVEMBER 1, 1995)

(BILL NO. 2597 WAS READ)

Mr. Hertzberg:

This is a request of a statistical report on the enforcement aspect of the truancy bill that we passed last week and it has been a year that it has been in effect. I have had no negative response from the Administration in preparing this and I would see no reason not to approve it today.

The Chair:

All in favor? Opposed? The ayes have it.

(BILL NO. 2598 WAS READ)

Ms. McDonald:

Discussion. What is it?

Mr. Hertzberg:

We have revised a chapter of the Code, a very minor addition.

Ms. McDonald:

Okay.

The Chair:

All in favor? Opposed. The ayes have it.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, November 13, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good afternoon, everyone. City Council's Special Legislative Session will now come to order. Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young student here this afternoon, a Third Grader, Brandon Charles Thomas. Brandon goes to Madison Elementary School, he is in Councilman Udin's District the Sixth Council District; his mom is here, Leslie Thomas. Welcome. Good afternoon. And, Brandon is going to lead us in the Pledge of Allegiance. Brandon.

Brandon Charles Thomas:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Brandon, our City Clerk would like to present you with the flag of our great nation and the flag of our City. We want to thank you and your mom for coming down here this afternoon.

I want to welcome our City Controller, the Honorable Tom Flaherty, Deputy Controller Anthony Pokora, as well many of the department directors are here today, many employees, many from the community; we want to welcome you all.

At this time, as you know, it is a Special Legislative Meeting of Council. We have a formal meeting, which will begin following the Mayor's Budget Address.

And, at this time, I would ask that Mr. Cohen and Mr. Cusick please escort the Honorable Mayor into these Chambers.

Ladies and gentlemen, our great Mayor Tom Murphy.

Mayor Murphy:

Can you all hear me? President Ferlo, Members of Council, department directors, City employees, residents, business people and tax payers of Pittsburgh, good afternoon.

The budget I present to you today is tough but it is fair. It includes spending cuts in every department of this City. We have reduced the City's work force by 20 percent since 1990. Few levels of government in this country can say they have really done that.

The budget I present to you today sends the clear message that we are living within our means. We have returned to pre1991 spending levels, while maintaining a high level of service.

The budget I present to you today reflects the priorities of this Administration to restore Pittsburgh's competitive edge as a place to live, to do business and to raise a family, to provide Pittsburghers with a City Government that delivers the highest levels of service possible, at an affordable cost, and to find ways to grow the City's tax base by attracting new businesses.

Five weeks ago I issued a challenge to attract one billion dollars of new investment to Pittsburgh. This is a clear message that we are open for business. I issued this aggressive goal because I believe we are poised to make this happen, with our land purchases, our development fund and our attitude. The only way we are going to set Pittsburgh in motion again is to grow the City. We must make Pittsburgh an attractive and desirable place to live, to work and to play.

In the past several weeks we have had over two hundred million dollars of investment success stories: Blue Cross moving into the Joseph Hornes Company Building and creating 400 new jobs; Lazarus building a 250,000 square foot department store at the corner of Fifth and Wood, which is only the second newly constructed building in the Downtown in the last 20 years, in this country; ground breaking for the Nassau Robotics Engineering Consortium in Lawrenceville, which will mean 500 new jobs; reuse of the former Hays Ammunitions Plant by a new company, GalvTech, which will create 75 new high manufacturing jobs; award of the Hope Six Grant from Federal Government, coupled with private investment, that will translate into over 200 new houses in Manchester; in the ribbon cutting just last week for Kerotest, the first new manufacturing plant to open in Hazelwood in probably the last 50 years.

Our ability to succeed as a City goes beyond our ability to attract new investment. Our ability to succeed fundamentally is rooted in the way we run this City. In over the last several years the City has been operating merely to survive. Our tax revenues have been stagnant over the last six years. If our tax base remains the same our revenues will also remain the same unless we raise taxes, and I will not

raise taxes. Pittsburgh must become more competitive, not less competitive; and, therefore, we must realize that the City's revenues will not increase until we attract more people to come to live and work in the City of Pittsburgh.

During the same years of flat revenue the City's appetite for spending grew. From the 1980s until 1994, we have seen continual increases. In 1995, my administration's first budget, and continuing with the 1996 budget, we have reduced our spending to pre1991 levels. Our 1996 Operating Budget is 231 million dollars. We have achieved this even in the face of automatic cost escalators of almost -- excuse me, I made a mistake there. It is 321 million dollars. We have achieved this even in the face of automatic cost escalators of almost 15 million dollars each year. These cost escalators are such things as labor costs, pension growth and debt service. Each year these costs go up by just doing the same thing.

We cannot operate to survive, we must operate to compete. We must be disciplined in our constant vigilance to keep our costs down. This is the only way Pittsburgh will succeed.

I am not alone in recognizing the urgency of addressing our fiscal problems. Since June members of my Administration have been meeting with our colleagues from City Council, the City Controller's Office, to collaborate on the 1996 budget. These budget summit meetings have been very helpful; they have provided my Administration, the City Controller's Office and City Council with a forum to agree on the size of our problem and to agree on the savings of various cost reduction efforts.

I want to thank Controller Flaherty, his staff, Council President Ferlo, Council Finance Chairman Dan Onorato and Council's budget staff, for their commitment to working together to solve our budget crisis; their suggestions and insights are reflected in the budget I am proposing today.

We all agree on the projected revenues for 1996, they are 308 million dollars. If we replicated the 1995 Operating Budget for 1996, the total would be 339 million dollars, because of the built-in cost increases I mentioned earlier. That means we have a 31 million dollar problem that will not be solved by a business-as-usual budget. To make up that 31 million dollar shortfall, we have made 26 million dollars in cuts in the City's budget and have added five million dollars of new revenue through several initiatives.

Included in the revenue raising initiatives are: City Magistrates' Courts reimbursement. In the past Pittsburgh was the only municipality in the state that did not receive reimbursement for local courts. Directly as a result of the lobbying effort by the Mayor's Office, annual reimbursement for Pittsburgh is now included in the state budget. Reimbursement for collected recyclables is now based on a competitively bid recycling contract. With our former vendor the City paid to have our trash hauled and recycled, now we are being paid with our contract with Prins. This success is a result of the collaboration between our Purchasing Division of General Services and our Department of Public Works. dditional revenue will come from selling our list of delinquent real estate tax receivables to a collection

agency and by continuing our aggressive program to collect City Court fines.

In many ways the 26 million in cuts were more difficult to make than identifying sources of revenue. We have been vigilant and disciplined in making those difficult choices. We have accomplished 12 million dollars of savings from initiatives that will change the way we do business. Included in those expenditure reduction initiatives are: Reform of the City's Employee Health Care Program. For the first time in this City's history labor and management work together to solve our spiraling health care costs. Through their efforts we will achieve a savings of two and a half million dollars or more a year. By restructuring the Workers' Compensation Program, we will actually increase our savings year to year. Through a combination of energy conservation and negotiations with utility companies, the City expects to save a significant amount of money on our electric and gas rates. And, in addition to revenue, we will realize from our new Prins Recycling contract, we will save what it used to cost the City to pay for our recycling program. In collaboration with department directors and union officials we have identified another nine million dollars of budget cuts through a variety of reduction and consolidation efforts.

These have all been difficult choices and we have made these decisions with fairness. We have accomplished them by separating those services that are essential for the City to deliver from those services historically that have been desirable for the City to provide.

We have made tough choices in our Parks and Recreation Department, by merging the Community Enrichment Program with the programming that we offer at our recreation centers throughout the City. We have made tough decisions to close half the City's 32 swimming pools. With City Council's guidance, we will identify the 16 pools that have the lowest usage, the most difficult access and the highest capital improvement needs.

We have made tough decisions in the Police Bureau, to eliminate 93 positions which have been vacant for the past year. During that same time, we have seen a 15 percent decrease in serious crime in Pittsburgh and over a 25 percent decline in juvenile crime. Our strategy in combating crime is working. We will keep our police strength at the 1,179 level, which means more actual officers than during most of last year. We will do this by moving more police from behind the desk and out onto the streets. You will see no decrease in the number of police on the streets.

We have made tough decisions in reorganizing our Public Works Division, which decreased their budget by 34 percent over the past three years, yet during that same time we have seen dramatically increased productivity and customer satisfaction. We will make tough decisions in reorganizing the Fire Bureau to save two and a half million dollars. We look forward to the involvement and the suggestions of the fire fighters to achieve this goal.

The toughest decisions were those related to the City work force. For the 1996 budget, we will eliminate 185 positions through layoffs, early retirements and unfilled vacancies, for a savings of over five million dollars. By next year

there will be 1,065 fewer City employees than in 1990; that's a 20 percent decrease in the City's work force. For too long it has been assumed by the public that people who work in government don't work very hard. We in this City are dispelling that impression.

The sacrifices we are making today and which we have made over the past few years have put a great deal more responsibility on the City work force and they have met the challenge. Even in the face of a 20 percent reduction in that work force the productivity of City workers continues to increase.

I get around this City a lot, as you all do, and I see and hear everywhere I go, I have seen the impact of the Community Oriented Police Program in our neighborhoods. I have seen our Public Works Divisions and see how much cleaner our neighborhoods and Downtown are. I have seen the new play equipment being installed in our parks. We want Pittsburgh tax payers to know that every dollar has value to us, we remain committed to spending each dollar by delivering a dollars worth of City services.

As part of the 1996 budgeting process and as part of our ongoing vigilance in cost cutting, I have asked our department directors to look at how we can become even more competitive. We can become more efficient by consolidating within this City. For example, we can consolidate the collection services that are operated in five different departments. We could become more effective through aggressive consolidation of similar services with the county, that we have been working on that for the last year. We can become more competitive in our delivery of services when compared to private businesses.

Simply stated, we must become more competitive. Efficiency must be the first order of the day. As an effort to achieve this, I have asked the Allegheny Conference on Community Development in the business community to provide us with their expertise to continue to explore creative solutions to our fiscal problems.

Today I am announcing the formation of the Mayor's competitive Pittsburgh task force, which will examine areas and functions where the City can benefit from market driven competition, just as private industry does, in areas such as refuse and recycling, fleet management, information systems, recreation programs, cash management, among others.

It took many years for Pittsburgh to reach financial crisis and it has taken several years for us to turn this around. This budget definitively and dramatically turns the corner for Pittsburgh. We are on our way.

By the end of 1996, this City will truly be living within its means for the first time in this decade and it will be the result of our discipline, vigilance and ability to make difficult decisions, decisions that are equitable and fair. For the families of Pittsburgh, the best government we can provide is a City returned to sound, fiscal health and growing once again. Thank you.

The Chair:

We will take a little five minute recess and then we will resume City

Council's Legislative Meeting. Thank you all and thank you, Mayor.

And on the motion of **Mr. Cusick**

Council recessed.

Pittsburgh, PA
Monday, November 13, 1995

And the hour of recess having expired, Council reconvened.

The Chair:

Ladies and gentlemen, good afternoon. City Council's Legislative Session which was in recess will now resume. And, at this time we have a number of guests in the audience, and I would like to call on Councilman Cusick.

PRESENTATIONS

Mr. Cusick:

One to be read into the record, Mr. President.

The Chair:

Thank you, Councilman Cusick.

MR. CUSICK PRESENTS

No. 2657 WHEREAS, the Brookline Knights Football League has served the community of Brookline and surrounding communities for over 35 years, and,

WHEREAS, the Brookline Knights Football League is a self-sufficient organization servicing approximately 150 children on a yearly basis instilling self-esteem, pride and a sense of community in our youth and,

WHEREAS, the Brookline Knights depend on strong support from parents and community businesses to make successful football seasons, and,

WHEREAS, the following coaches have unselfishly given of their time and energy to the children who love the sport of football; Pat Quinn, Kerry McCann, Earl Taylor, Ray Doria, Mike Walsh, Don Helman, Frank Makstutis, Gary Mihelcic, Brian Nicholas, Joe Nicholas, Ray Ventrone, and John Terlecki, and 1995 Officers John Richards, Joe Nicholas, Kathy Gromek, and April Bowen, and,

WHEREAS, the Termites finished the season 5th in the league, the Mitey-Mites 3rd in the league and the Midgets finished 3rd in the league, and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and congratulate the Brookline Knights Football League for their commitment and dedication to the children of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, November 11, 1995 as Brookline Knights Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. ONORATO second the motion.

Which motion prevailed.

The Chair:

We have a resolution, a joint resolution from Councilwoman McDonald, Mr. Ferlo and Mr. Cohen. Councilwoman.

Ms. McDonald:

Thank you, Mr. President, who is co-sponsoring this with me, as well as Councilman Dan Cohen. And, this is for the Greater Pittsburgh Community Food Bank, and I would like for all the representatives of the Food Bank to please come forward to accept the resolution. I hope I have all the names. Joyce wanted to make sure we knew her, she has her name tag right there. But, I am going to read the resolution and then we will introduce the guests.

MS. McDONALD PRESENTS

No. 2658 WHEREAS, the Greater Pittsburgh Community Food Bank in McKeesport is commemorating fifteen years of service to the community on November 15, 1995 during a luncheon hosted by the Rotary Club of Pittsburgh; and,

WHEREAS, the Greater Pittsburgh Community Food Bank, a certified member of the Second Harvest national food bank network, was founded on December 1, 1980 in a one room site above the Jubilee Kitchen, later moved to a larger warehouse on Pittsburgh's South Side, and today is located in a 4.5 acre warehouse in McKeesport; and,

WHEREAS, the mission of the Greater Pittsburgh Community Food Bank is to serve as a central collection facility for grocery products and prepared foods, to distribute these goods to agencies which serve the needy in Southwestern Pennsylvania, to involve the community as food donors, volunteers, and financial supporters, to work collaboratively with others on programs that empower needy individuals to meet their own nutritional needs, and to communicate the nature of and solutions to the problems of hunger; and,

WHEREAS, in its first year of operation, the Food Bank served one hundred member agencies and distributed one million pounds of food, while in 1995 it has grown to serve 370 member agencies and to distribute more than fifteen million pounds of food to 100,000 individuals throughout Southwestern Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh proudly recognizes the Greater Pittsburgh Community Food Bank for fifteen years of unfailing service to area residents, extends appreciation for their continuing efforts to fulfill unmet needs in the community, and offers best wishes for the perpetuation of their important mission.

SPONSORED BY COUNCIL MEMBERS VALERIE A. McDONALD, JIM FERLO AND DAN COHEN

MS. McDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Ms. McDonald:

Thank you very much. I want to introduce the guests, too, and to say a couple words about the luncheon tomorrow. We have Joyce Rothermel -- is that right? Did I say it right? Rothermel ? Bob Foltz, Mary Margaret Fisher, Elaine Bellin. Did I say that right? Annette Betts, Roslyn Maholland, Mary Elizabeth and Sister Marian Blodis. Thank you very much, and I am going to present this to Joyce. And, I entertain the co-sponsors, Councilman Ferlo and Councilman Cohen, if they would like to have some remarks, as well. Joyce.

Ms. Rothermel:

Thank you. Very grateful for Councilwoman McDonald's bringing forth this resolution to you and for your endorsement of that today. Councilwoman McDonald has been co-chair of our 15 year anniversary activities and we are hoping that through these activities that we will all be inspired and strengthened to go forward in the important work that lies ahead.

I wanted to say a little bit more about the people who are with me today, Elaine Bellin, who is the owner of Paragon here, a food purveyor in this City, is the chair of our Food Industry Committee and we depend greatly on the Food Industry Committee. And, I am sure Councilman O'Connor is familiar with the efforts that so many people in the food industry have done over the years, even before there was a food bank, in the sharing of food and the caring about people in our community. Elaine also has been a past board member of the food bank. With her, who also serves on our Food Advisory Committee, is Mary Margaret Fisher from the Western Pennsylvanian Restaurant Association. They are very active in the "Taste of the Nation" Event, and if many of you have not participated in that in the spring, it is a great event and we hope that all of you will be at it next year. Annette Betts is with us from our staff, and Annette is our agency monitor in charge of the agencies in the City, in terms of visiting them, making sure that the food gets to the folks that it is intended to and providing technical assistance. Annette is joined by over 50 people on the food bank staff, with over 300 volunteers, who today are gathering in the McKeesport area, being honored for the work that they do in order to continue to move the over one million pounds of food that does get distributed through the food bank every month. Our member agencies, so important to us. Three hundred and seventy-two groups in our county that are doing work of meeting needs in their neighborhoods and over 120 of them are within the City of Pittsburgh, and from those agencies today is Mary Elizabeth McCarthy, who is from East End Cooperative Ministry in East Liberty, Roslyn Maholland, from Miryams here in the City, and Sister Marian Blodis from Prince of Peace Parish on the South Side. To make special recognition of Roslyn's participation in the development of the food bank, Roslyn was the Associate Director of the food bank for several years and really gave us a strong foundation on which to have grown in over the past 15 years.

Next we have just a comment about the need in the City. I feel like I don't need to tell you, but I can share with you what we know, and that is that the number of people that are in poverty are growing, the study that was done by Just Harvest last year indicated that children are bearing a disproportionate amount of that poverty. We know our City is getting older, so people on fixed incomes, and the number of single parent households in which people are struggling, and many of them working but still falling below the poverty line, and as that need grows, and as some of that need was there in 1980, City Council voted CDBG dollars for the food bank, probably the only time in our history, and that is what helped us to renovate our first space above the Jubilee Soup Kitchen.

So, we hope that you feel a big part of our 15 years through that contribution at that time. Since then the community has really pulled together in tremendous ways that have allowed us to continue to try to meet the needs as best we can. We are looking forward, and our looking forward is somewhat oblique because of what is coming down in the Federal level; we anticipate that the private sector is going to have to do even more. We are approaching this year for the first time in 15 years for help with our Farm Stand Program in the City, and we will have a speaker here on Wednesday, as you hear from many others about the needs in our community and how you can help groups address those needs.

Finally, I would like to ask Bob Foltz to come to the microphone. Bob is the head of the Goodwill Industries on the South Side, has been a past board member of the food bank, has served on our 15 year anniversary committee and today, of great note, is a member of the Pittsburgh Rotary that is hosting our event on Wednesday. Bob.

Mr. Foltz:

Thank you. Mr. President, Members of Council, on behalf of the Pittsburgh Rotary Club, we are very pleased to be asked to support and sponsor this coming Wednesday's event, an event at which the Reverend Jesse Jackson will be the keynote speaker. It commemorates in a solemn way 15 years of services to some of the most needy people in the City of Pittsburgh, and the Rotary Club is privileged to sponsor and support the effort. Thank you all very much.

The Chair:

Thank you, Bob.

Ms. McDonald:

And, I wanted to re-emphasize the luncheon Wednesday. It is hosted by the Downtown Rotary, Wednesday, November 15th at 11:30 a.m. at the Westin William Penn Hotel, and I would urge all my colleagues and the listening public to support these efforts. I had said that, when they were acknowledged by the Allegheny County Commissioners, that this is a venture that there is celebration in which they help people. That is only the celebration. There is no celebration, though, in having to face needy people, though. We don't want needy people. And, I think the name of the game is, it's to keep providing the safety net and not snatch that from under them, as is the philosophy that is prevalent in so many areas of our government, from State and

National Government, is to pull that safety net from under people. Ultimately they will fall flat on their face and they are going to cost a lot more to take care of than to help them now through agencies such as the Greater Pittsburgh Community Food Bank.

So, this is a safety net because it is necessary, but hopefully that governments can work together to make sure that we don't need to have to feed people, that they will be able to feed themselves, and that is their mission, is to make people self-sufficient and to provide their own nutritional needs. But, in the meantime, we must continue, we must continue supporting ventures like this.

Because, again, I have had hungry kids in my home and I didn't realize they were that hungry and they were eating food -- I mean they ate everything, they ate, drank all the pop, they ate everything, and I'm like, "Did you eat?" And, my son kind of picked these kids up. I don't know, he was playing somewhere in the neighborhood, and I didn't know where they lived, they lived nowhere near us, but these kids were starving. And, eventually I took them home and I realized that definitely they were living below the poverty level. And, I am not even going to say what area of the City it was, but it was within the City, and I was so hurt, because I thought these kids were just being greedy, they weren't being greedy, they were hungry, they were hungry, and they ate. So, we fed them dinner and everything.

So, again, I would hope that you would understand that sometimes you see these people and you see children and you don't know that they're hungry. And, this is the type of agency that really does help them, when we don't know what their needs are. Thank you very much for voting for this resolution.

The Chair:

Thank you, Councilwoman McDonald. We would especially like to thank all your hard working volunteers that have worked for so many years now. You couldn't put a dollar value on the amount of volunteer work at the food bank. And, thank you very much. And, I will point out also that the City of Pittsburgh and our Food Pantry Network are probably the largest single benefactor of the good work of the Pittsburgh Community Food Bank, and we want to thank them very much, and hopefully we'll be mindful of that as we set our Block Grant priorities this fall. Thank you very much.

Councilman O'Connor, I believe you have one to be read into the record. Thank you, Mr. O'Connor.

MR. O'CONNOR PRESENTS

No. 2659 WHEREAS, students from Israel, are learning the value of an international education, and the importance of understanding other nations, cultures, societies and governments; and,

WHEREAS, the following delegation of fifteen Israeli students were chosen by their high schools, to travel to Denver and Pittsburgh on a mission of goodwill and to act as ambassadors for their nation, as part of a mutual travel and learning experience:

Amir Assif Gali Levi

Shani Zafari	Bela Levine
Mikhael Hadida	Florence Bensoussan
Mat Blumstein	Yael Zamir
Elena Rasin	Orif Turgenan
Eload Amira	Ilana Perez
Hen Shtatfeld	Eyal Goldberg
Adi Turenheim	

WHEREAS, during their stay in Pittsburgh, these students will visit a variety of sites, including the University of Pittsburgh's Nationality Rooms and the Jewish Community Center. They will also meet with American teenagers to discuss issues of politics, media, and teen life in both countries.

THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the importance of dialogue and goodwill between American youth and the youth of other nations, in order to encourage educated and responsible leaders for the future.

BE IT FURTHER RESOLVED, that the Council does hereby welcome this Israeli delegation to the City of Pittsburgh and hereby declares the week of November 10th through November 19th 1995 as "Israeli Youth Ambassadors Week", in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Councilman Udin.

Mr. Udin:

Mr. President.

The Chair:

Thank you, Councilman Udin.

MR. UDIN PRESENTS

No. 2660 WHEREAS, On Sunday, November 12, 1995, Pittsburgh will welcome a new restaurant into the famed Strip District of Pittsburgh. PaPaJ's Mercato restaurant will feature a "concept-of-the-future" dining experience for all to enjoy; and,

WHEREAS, PaPaJ's Mercato will have a European marketplace atmosphere and will offer a feast for all the senses as guests have the chance to roam about PaPaJ's Mercato which combines all the sights, sounds and aromas that Pittsburghers love about the Strip District; and,

WHEREAS, The owners and creators of this wonderful concept of fine dining are Jul and Jacki Troiani. The Troianis are very familiar with the Pittsburgh area. While growing up Jul worked in his father's produce business in the Strip District. Jul has developed real estate, parking, and restaurant ventures, including the former Musketeer Lounge on Market Street and the Pilot House at the Monongahela Wharf. The Troianis are also owners of PaPaJ's Ristorante in Carnegie, Cafe PaPaJ's in Mt. Lebanon, and PaPaJ's Centro (formerly Tramps) in Downtown Pittsburgh; and,

WHEREAS, Proceeds from the opening premiere of PaPaJ's Mercato will

serve to benefit the Make-A-Wish Foundation of Western Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Pittsburgh congratulates and wishes PaPaJ's much success in all their endeavors.

MR. UDIN moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. That concludes our Read and Adopted. Moving to Presentation of Papers.

MS. McDONALD PRESENTED

No. 2661 Resolution authorizing the URA of Pittsburgh to submit an application for Financial Assistance in an amount not to exceed $700,000.00 to the Pennsylvania Department of Community Affairs for the North Shore Redevelopment Project.

Also,

No. 2662 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the North Shore Redevelopment Project providing for the reimbursement of the Commonwealth for any expenditures found by the Department of Community Affairs to be ineligible and obligating the City to pay any local share of project costs.

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO PRESENTED

No. 2663 Communication from Mayor Tom Murphy requesting permission from Maureen Mulvihill (a non-city employee), Executive Assistant, County of Allegheny, Department of Human Services, to attend the Operation Weed and Seed Program National Training Conference in Orlando, Florida from January 2 - 5, 1996 at a cost not to exceed $275.00 payable from the Operation Weed and Seed Trust Fund.

Which was read and referred to the Committee on Finance and Budget.

MR. UDIN PRESENTED

No. 2664 An Ordinance supplementing the Pittsburgh Code, Title Nine, Zoning, by creating an Interim Planning Overlay District for the entire Oakland area, limited to an eighteen (18) month time period, including regulations for submission of a Project Development Plan for Planning Commission review and approval.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

The Chair:

The Chair has no papers to present at this time.

The Chair:

That concludes our Presentation of Papers. Is there any matter under Old Business,

Unfinished Business, Reports of Special Committees?

UNFINISHED BUSINESS

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I just wanted to remind everybody that there is a meeting scheduled this evening, which is a two-year review of T.C.I. and its franchise with the City of Pittsburgh; it is taking place at 7:30 right here in City Council Chambers. I plan to testify at it, and anybody who wishes to about T.C.I.'s either rates or service, please come down the City Council Chambers this evening. Thank you.

The Chair:

Thank you, Councilman, for reminding us of this public hearing. That will be in this Council Chambers at 7 P.M., this evening.

REPORTS OF COMMITTEES

The Chair:

Moving to Reports of Committees. Committee on Finance and the Budget. Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 2665

Report of the Committee on Finance and Budget for November 9, 1995, transmitting sundry resolutions to Council. Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2620

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 2621

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program."

Which was read.

Also,

Bill No. 2622

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2666

Report of the Committee on Public Works, Water and Environmental Services for November 9, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2515

A Resolution entitled, "Resolution granting unto Dawn Hluhan, 916 Loyal Way, Pittsburgh, Pennsylvania, 15210, Margaret Nogal, 913 Freeland Street, Pittsburgh, Pennsylvania, 15210, and Shaker H. and Donna R. Obaid, 917 Freeland Street, Pittsburgh, Pennsylvania, 15210, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a fence on a portion of the right-of-way on Unnamed Way located between Loyal Way and Freeland Street in the 18th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Mr. Udin:

Mr. President.

The Chair:

Thank you, Councilman.

MR. UDIN PRESENTED

Bill No. 2667

Report of the Committee on Planning, Zoning and Land Use for November 9, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2650

A Resolution entitled, "Resolution renewing Resolution No. 673 approved by City Council and effective on September 21, 1994 authorizing the Women's Center and Shelter of Greater Pittsburgh to convert an existing three-story structure located at 4760 Centre Avenue into a 36-bed institutional facility with administrative and counseling offices and parking to accommodate 34 automobiles on property zoned "R5" Multiple-Family Residence District, 7th Ward."

Which was read.

Also,

Bill No. 2651

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(52) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to Nancy H. Eshelman for authorization to convert an existing three-story structure into a bed and breakfast facility with four guest rooms and a two-car detached garage located at 2119 Sarah Street on property zoned "R4" Multiple-Family Residence District, 16th Ward."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi

Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)
AYES 9	NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Housing, Economic Development and Promotion. Councilwoman McDonald?

Ms. McDonald:

Mr. President.

The Chair:

Thank you, Ms. McDonald.

MR. McDONALD PRESENTED

Bill No. 2668

Report of the Committee on Housing, Economic Development and Promotion for November 9, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2386

A Resolution entitled, "Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the North Shore Tax Incremental Financing District, and making certain finding.—**(MS. McDONALD AND MR. HERTZBERG)**"

Also,
Bill No. 2387

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the North Shore Tax Incremental Financing District.-- **--(MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2533

A Resolution entitled, "Resolution authorizing the URA to acquire that property in the 15th Ward of the City of Pittsburgh owned by William Conner and Estates of Bernard Erenstein and Lester Breakstone, and designated as Block and Lot 88-R-166, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 2599

A Resolution entitled, "Resolution authorizing Urban Redevelopment Authority of Pittsburgh to purchase Nine Mile Run property for $3,800,000 from Lafarge Corporation."

Which was read.

The Chair:

You have heard the reading and title is there any discussion? Councilman O'Connor.

Mr. O'Connor:

Comments brought forward on 2533 and 2599 please.

(REMARKS-SEE ADDENDUM)

The Chair:

Thank you. Other comments?

Mr. Cohen:

Brought forward on the same bill.

(REMARKS-SEE ADDENDUM)

The Chair:

Comments brought forward also for the Chair.

(REMARKS-SEE ADDENDUM)

The Chair:

I believe there is a community meeting also on this issue at the Irish Center?

Mr. O'Connor:

Yes. I don't have the date in front of me, though.

The Chair:

Well, we can call the Clerk's Office.

Mr. O'Connor:

Of course, I read it in the paper, like everyone else did.

The Chair:

Well, apparently there is a community meeting on the master plan and I know there was a lot of dialogue and discussion on the part of my colleagues and you might want to call Councilman O'Connor's Office for that meeting date.

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Committee on Engineering and Construction, Councilman Cusick.

Mr. Cusick:

Mr. President.

The Chair:

Thank you, Councilman Cusick.

MR. CUSICK PRESENTED

Bill No. 2669

Report of the Committee on Engineering and Construction for November 9, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2619

A Resolution entitled, "Resolution providing for a contract or contracts, or use of existing contracts, and/or an agreement or agreements, or use of existing agreements for various improvements to public buildings for access by handicapped; at a cost not to exceed $395,000.00, chargeable to and payable from various code accounts."

Which was read.

The Chair:

You have heard the reading and title is there any discussion? Councilman Hertzberg.

Mr. Hertzberg:

Thank you. I ask my comments be brought forward on Bill No. 2619.

(REMARKS - SEE ADDENDUM)

Mr. Hertzberg:

I thank Director Reginella for following up promptly in writing with some of the concerns that were mentioned at our last meeting and I hope that he is successful in finally brings this Council Chamber into a better condition for access for those with disabilities.

The Chair:

Thank you, Councilman. Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, any matter to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

We have another month to argue about the budget.

Mr. O'Connor:

We have plenty of time for that.

The Chair:

We have plenty of time for that. I believe our session begins tomorrow morning, Councilman Onorato.

Mr. Onorato:

That is correct.

The Chair:

Hearing none, I will entertain a motion to adjourn. We are going to be meeting Monday, November 20th, 1995 at 2 P.M. in the afternoon. I am not sure why we are not meeting Tuesday, but if the City Clerk could explain that?

Ms. Johnson-Wasler:

It's a short week, Thanksgiving week.

The Chair:

It's a short week because of Thanksgiving. That's a pretty good reason why. Our City Council next Legislative Session, again, will be on Monday, November 20th, at 2 P.M. here in City Council Chambers. With that, I will entertain a motion to adjourn.

And on the motion of **MR. ONORATO**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *November 20, 1995* *No. 45*

Municipal Record

ONE-HUNDRED TWENTY-NINTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, November 20, 1995

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusack	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. Onorato	**(Pres't)**

The Chair:

Good afternoon, City Council's Legislative Session will now come to order, even though I don't have a gavel, but hopefully I'll have one soon.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer, so that we may have peace throughout the world.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Good afternoon everyone. We have a number of guests in the audience, and a number of colleagues have now joined us.

PRESENTATIONS

MR. COHEN PRESENTS

No. 2670 WHEREAS, Project DARE (Drug Abuse Resistance Education) is a national drug and alcohol abuse prevention program which originated in Los Angeles, and is offered by the Pittsburgh Bureau of Police to public, private, and parochial schools; and,

WHEREAS, the DARE program is designed to focus on elementary and middle school students to teach lessons in building self-esteem, managing peer pressure, drug use resistance techniques, conflict resolution, and prevention of violence; and,

WHEREAS, approximately 42 schools located all around the City benefit from participating in the DARE program; and,

WHEREAS, two corporate heavyweights with heart, Kimberly Clark and Giant Eagle, have donated personnel and money to our local DARE program by sponsoring the annual Giant Eagle-DARE Pirate Game, providing 5,000 DARE workbooks to local DARE programs and planning field trips to area amusement parks for DARE students.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Kimberly Clark and Giant Eagle for their willingness to donate their resources for the benefit of Pittsburgh's children and the fight against drugs.

MR. COHEN moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTS

No. 2671 WHEREAS, the Public Safety Summer Day Camp seeks to provide Pittsburgh children in the third, fourth, and fifth grades with drug education and healthy, positive, and constructive experiences as an alternative to drug and alcohol abuse; and,

WHEREAS, the camp includes a week of police, fire, and paramedic demonstrations, outdoor games, and "Just Say No" techniques; and,

WHEREAS, over 300 children from all around the City were able to benefit from participating in the Public Safety Summer Day Camp last summer ; and,

WHEREAS, Laidlaw Transportation provided free transportation for the campers to and from the camp sites, making it possible for hundreds of Pittsburgh's children to participate in the Public Safety Day Camp.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Laidlaw Transportation for its willingness to donate its resources for the benefit of Pittsburgh's children and the fight against drugs.

MR. COHEN moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MESSRS. COHEN AND HERTZBERG PRESENT

No. 2672 WHEREAS, crime in our City's neighborhoods sadly threatens the safety of family and children; and,

WHEREAS, the Community Oriented Police program was designed to connect the neighborhood residents of Pittsburgh to the efforts of the City's Police Force; and,

WHEREAS, the quick response of the Zone Four Crime Watch Network and Sergeant George McCartney of C.O.P. Zone Four resulted in a missing boy being found mere hours after a television story about his disappearance; and,

WHEREAS, the return of the missing boy to his family allayed the

family's fears and demonstrated the effectiveness of the Community Oriented Police program;

WHEREAS, Sergeant George McCartney's actions serve as an example of dedicated and effective efforts to make Pittsburgh a safe place for families and their children;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Sergeant George McCartney and the Zone Four Crime Watch Network for extraordinary service in the safe return of Joshua Plants to his family;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Monday, November 20th, as Sergeant George McCartney Day in the City of Pittsburgh.

SPONSORED BY COUNCILMAN DAN COHEN AND COUNCILMAN ALAN HERTZBERG

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR COHEN PRESENTS

No. 2673 WHEREAS, J. Paul Martha has worked throughout his career to build civic pride in Pittsburgh as an athlete, a leader of the sports community and as an attorney; and,

WHEREAS, J. Paul Martha has been a leader of the Pittsburgh sports community as an All-American running back at the University of Pittsburgh, as a free safety with the Pittsburgh Steelers, and through his association with the Pittsburgh Penguins, the Civic Arena, the Pittsburgh Maulers and the Pittsburgh Spirit Soccer Club; and,

WHEREAS, J. Paul Martha has actively served our community through membership on the Board of Directors of West Penn Hospital, the Bellefield Trust Foundation and the Epilepsy Foundation; and,

WHEREAS, as Vice President of the West Penn Hospital Foundation, J. Paul Martha was instrumental in establishing the Foundation's Israel Bonds Matching Funds Program; and,

WHEREAS, J. Paul Martha will receive the 1995 State of Israel City of Peace Award at the Pittsburgh/Tri-State Israel Bonds Legal Division Tribute Dinner on November 15, 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends J. Paul Martha for his leadership and commitment to Pittsburgh and the community at large.

MR. COHEN moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS

No. 2674 WHEREAS, September 9, 1995 marked City Source Associates Tenth Annual Paint Your Heart Out Pittsburgh Event, which is a citywide paint-a-thon designed to help elderly, disabled, and low income homeowners maintain the exteriors of their homes--free of charge, benefiting more than 800 residents over the last ten years.

WHEREAS, Approximately 1,200 volunteers representing local banks, corporations, community groups, church groups, and other organizations participated in this year's event. All of the volunteers where provided with free tee-shirts and free lunches that were delivered to the homes involved with this year's Paint Your Heart Out Pittsburgh; and,

WHEREAS, the special focus for the tenth anniversary of this community-spirited project is the "ten years tough houses". Area corporations have adopted these homes by donating $1500 or more in cash and/or product and putting together challenge teams to paint these houses.

WHEREAS, Paint Your Heart Out Pittsburgh is sponsored by City Source Associates, a non-profit organization that promotes living and home buying in the City of Pittsburgh, other sponsors and painters included:

Integra Bank
PNC Bank
Mellon Bank
Dollar Bank
Equitable Gas
Peoples Natural Gas
104.7 FM
Westinghouse Electric Corp.
The Valspar Corp.
PPG Industries Foundation
Patrinos Painting
Take Pride Painting
Finger Painting Co
Topper Painting & Remodeling
Phares Painting
Durite Painting
Central Relocation Agency
Pittsburgh Parking Authority
Blue Cross Of Western Pennsylvania

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend City Source Associates and all of the many volunteers, sponsors and painters for their continuing efforts to provide services such as Paint Your Heart Out Pittsburgh to those individuals that truly need help; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Saturday September 9, 1995 as "Paint Your Heart Out Pittsburgh" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. McDONALD AND MR. UDIN PRESENT

No. 2675 WHEREAS, On November 25, 1995, Omega Psi Phi Fraternity, Inc., Iota Phi Graduate Chapter will celebrate their Seventieth Anniversary in Pittsburgh Pennsylvania at their Annual Achievement Awards Dinner; and,

WHEREAS, Omega Psi Phi Fraternity, Incorporated was founded November 17, 1911 at Howard University

in Washington D.C. and incorporated October 28, 1914. The four founding fathers were: Honorable Ernest Everett Just, Edgar Amos Love, Frank Coleman and Oscar James Cooper; and,

WHEREAS, Omega Psi Phi Fraternity, Incorporated was conceived to enrich the social and intellectual aspects of college life and now has an international membership of 650 chapters with over 100,000 members. Their Cardinal Principles are Manhood, Scholarship, Perseverance and Uplift; and,

WHEREAS, Iota Phi Graduate Chapter, located in Pittsburgh Pennsylvania, has an active membership of sixty-five men, with over four hundred members of Omega Psi Phi Fraternity, Inc. in the Pittsburgh area; and,

WHEREAS, since the Chapter's inception in 1925 it has served the Pittsburgh community in many ways. Their annual events include Achievement Week, Talent Hunt, Scholarship Donations, Mentoring Programs and Community Service. The Graduate Chapter's proud history of service includes donations of over $65,000 in charitable and scholarship assistance; and

WHEREAS, Iota Phi Graduate Chapter demonstrated its commitment to the African American community in 1991 when they purchased a house at 123 Meadow Street in East Liberty. The house was renovated and became the Omega Psi Phi Center. The Center and its members now serve as positive models for the youth and families in the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh would like to give special recognition to Iota Phi Graduate Chapter and Members Paul F. Jones, Lou Mason and William R. Robinson. These men were the first three African Americans elected to the City Council of the City of Pittsburgh. They serve as examples of the high ideals, achievements and contributions made by the men of Omega Psi Phi Fraternity, Inc., Iota Phi Graduate Chapter, to the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh gives recognition to the Seventieth Anniversary of the Omega Psi Phi Fraternity, Inc., Iota Phi Graduate Chapter.

SPONSORED BY COUNCILMEMBERS SALA UDIN AND VALERIE McDONALD

MS. McDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 2676 WHEREAS, Mr. John Smith was born in Pittsburgh in 1917. In 1935 he began working at the Allis Chalmers Corporation, North Side plant. In December of 1941 he volunteered to serve in the Air Force. He graduated from mechanics School and then served for three years in the Pacific theatre. John returned to Allis Chalmers after the War later retiring with 41 years of service,

having never missed a day of work. In 1950, he married Ethel Septak; and,

WHEREAS, Mr. Smith has spent a lifetime serving his parish of St. George's Ukrainian Catholic Church. Since 1937, he has served continuously as an usher. He is best know for his direction of the Pyrohi Project at St. George's which began in the early 1960's with the encouragement of the pastor Reverend Wasyl Dzydzora. The Project is a five days a week labor of love for John Smith. His help with hundreds of dozens of pyrohi has insured the success of the Ukrainian participation in the Pittsburgh Folk Festival and the Pittsburgh Ukrainian Festival as well as many other events; and,

WHEREAS, John Smith is also concerned with the interests of senior citizens. He has served on the Board of Directors of Riverview Manor, which provides senior citizen residential apartments and was actively involved in the planning and construction of Sheptytsky Arms senior citizen residential apartments;

WHEREAS, John Smith's involvement with politics began with his service on the St. George's parish committee negotiating the price of the Doerr Street property which was being taken in an urban redevelopment program. He worked with then Pennsylvania State Representative Thomas Foerster. His work with the senior citizen residential apartments also brought him into contact with many local, city, county, and state elected officials. He supported the election campaigns of many of them, and most recently was thanked publicly by City of Pittsburgh Mayor Thomas Murphy for his advice and support. Also, he was instrumental in bringing grants of $5,000 from State Representative Thomas Murphy and of $10,000 from State Senator Michael Dawida to the Ukrainian Nationality Room in the Cathedral of Learning at the University of Pittsburgh; and,

WHEREAS, John Smith joined the League of Ukrainian Catholic Youth in 1937 and attended the national convention held in Pittsburgh that year. Over the years, he was active in the League in raising funds for furnishing and supporting seminaries serving the Ukrainian Catholic Church in the United States. He continues his involvement with the League of Ukrainian Catholics with sage advice for the officers of the Western Pennsylvania Council and still enjoys attending the national conventions.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends the accomplishments of Mr. John Smith and congratulates him on being named the 1995 Ukrainian of the Year.

FURTHER, BE IT RESOLVED, that Council declares Saturday, November 25, 1995 as John Smith day in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2677 WHEREAS, the Pittsburgh Community Reinvestment Group (PCRG) has respectfully requested a ninety day extension on the comment period regarding the application by National City Corporation to acquire Integra Financial Corporation; and,

WHEREAS, the PCRG has also requested that the Federal Reserve schedule a formal public meeting to address concerns community based organizations, Pittsburgh City Government and other interested parties may have regarding this merger; and,

WHEREAS, these requests will allow all those concerned an opportunity to discuss and address their relationships with National City Corporation; and,

WHEREAS, it is important for National City Corporation to determine and meet the needs of all communities, including those of low- and moderate-income, within its newly acquired service area; and

WHEREAS, by working with PCRG, community based organizations and Pittsburgh City Government, National City Corporation has the capability to become an outstanding leader in the Pittsburgh marketplace.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby strongly urge the Federal Reserve Board to extend the comment period ninety days and schedule a formal public meeting to discuss a variety of concerns about the proposed merger between National City Corporation and Integra Financial Corporation.

SPONSORED BY COUNCILMAN JIM FERLO

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. And, I would ask the Clerk's Office to send a copy of that resolution to the Federal Reserve and the other institutions that I will supply a list for that have been requested by PCRG.

That concludes our Read and Adopted, unless there's any other matter. If not, we'll move to Presentation of Papers.

MR. COHEN PRESENTED

No. 2678 Resolution authorizing the transfer of $7,000.00 from Code Account 1421-1, and $2,000.00 from Code Account 1424, to Code Account 1422, Bureau of Emergency Medical Services, Department of Public Safety.

Which was read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Tuesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2679 Resolution directing the Parks and Recreation Department to present a plan to City Council exploring community and/or private management of City of Pittsburgh swimming pools.—**(SPONSORED BY MR. COHEN, MR. CUSICK and MS. McDONALD)**

Which was read and referred to the Committee of Parks, Recreation and Youth Policy.

MR. HERTZBERG PRESENTED

No. 2680 Resolution establishing the fee for issuance of a Municipal Claims Certificate.—**(SPONSORED BY MR. HERTZBERG)**

Also,

No. 2681 Resolution establishing a schedule of fees for the swimming pools for 1996.—**(SPONSORED BY MR. HERTZBERG)**

Which were read and referred to the Committee on Finance and Budget.

MS. McDONALD PRESENTED

No. 2682 Resolution approving execution of a Disposition Contract by and between URA and Olga A. Lopatina for the sale of Block 48S, Lot 202 in the Sixth Ward of the City of Pittsburgh, Industrial Land Reserve Fund (Commercial Rehabilitation).

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2683 Resolution providing for a contract or contracts or the use of an existing contract or contracts to purchase and install telecommunications systems for various City Departments, in an amount not to exceed One Hundred Sixty-Nine Thousand ($169,000.00) Dollars, chargeable to and payable from Telephone Services and Equipment Code Account 1132-2, Department of General Services.

Which was read and referred to the Committee Lands, Buildings and Procurement.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Tuesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2684 Resolution providing for the issuance of a warrant in the sum of $1000.00 to Charmella Terry and Paul M. Goltz, Esquire, her attorney, 810 Allegheny Building, Pittsburgh, PA, 15219, in full and final settlement of an accident that occurred in front of 5824 East Liberty Boulevard, allegedly resulting from an improperly maintained or constructed transformer box on or about March 5, 1990.

Also,

No. 2685 Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of counsel to assist in the representation of the City of Pittsburgh for outside legal counsel at a cost not to exceed $100,000 (One Hundred Thousand Dollars), chargeable to and payable from Code Account 1075,

Miscellaneous Services, Department of Law.

Also,

No. 2686 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2687 Resolution providing for a contract or contracts, or the use of existing contracts, for the purchase of litter receptacles, at a cost not to exceed Fifty Thousand ($50,000.00) Dollars, chargeable to and payable from Code Account 1612-2, Equipment.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

THE CHAIR PRESENTED

No. 2688 Resolution authorizing and directing the Director of Public Works to cease and discontinue the uncompensated collection of municipal waste from all public and private schools, religious institutions, civic organizations, group homes and clinics in the City, effective January 1, 1996.—**(SPONSORED BY MR. FERLO AND MR. HERTZBERG)**

Also,

No. 2689 Resolution authorizing and directing the Director of Public Works to establish a fee schedule for the collection of municipal waste from all public and private schools, religious institutions, civic organizations, group homes and clinics in the City and authorizing and directing the Director of Public Works to establish and maintain a system for the collection of said fees.—**(SPONSORED BY MR. FERLO AND MR. HERTZBERG)**

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Tuesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 2690 An Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 253, Parking Tax, Section 253.04, Records, by adding a new subsection (b) to require operators of all parking places having capacity of 50 or more parking spaces to maintain a mechanical counting apparatus to register every vehicle which enters the parking lot.—**(SPONSORED BY MR. FERLO)**

Also,

No. 2691 Resolution authorizing and directing the Chief Magistrate, City Court, to assess and collect court costs equivalent to the costs for summary offenses established by the Pennsylvania Supreme Court for each and every violation of the provisions of Chapters 541, 543 and 545 of the City Code.—**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Finance and Budget.

Also,

No. 2692 Communication from Eloise Hirsh, Director, Department of City Planning, submitting the recertification of Area "Q" in North Oakland for the Residential Parking Permit Program in accordance with the Pittsburgh Code, Title Five, Traffic, Chapter 549, Residential Parking Permit Program, Section 549.06 (d).

Which was read.

The Chair:

The first three bills have to do with enhancing the City resources and they'll come up for discussion appropriately. And, I've introduced the last bill as a motion to receive and file on continuing an already existing Residential Sticker Parking Area. So, we need a motion to receive and file on the latter bill.

Mr. Cohen:

So moved.

MR. CUSICK seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. That concludes our Presentation of Papers.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business or Reports of Special Committees, is there any matter to be brought before the body? Do we have a cable report from the Cable Meeting the other evening or?

Mr. Cohen:

Sure, Mr. President.

Move to direct/request the Cable Advisory Board to set out principles to guide the negotiations with TCI for any possible contract renewals, and also, set out principles for bringing competition into Pittsburgh through that industry. Both of those things are important.

MR. CUSICK seconded the motion.

The Chair:

Very good. Other comments or discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 2693

Report of the Committee on Finance and Budget for November 14, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2635

A Resolution entitled, "Resolution authorizing the transfer of $35,000.00 from Code Account 1443, Index Code 144303, Salaries, to Code Account 1452-2, Index Code 145227, Legal Defense contribution, Bureau of Police, Department of Public Safety. **(PRESENTED BY MR. COHEN).**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	

AYES 7 NOES none

(MR. FERLO, PRES'T, ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2640

A Resolution entitled, "Resolution providing for the issuance of a $940.66 warrant in favor of John Cygrymus in settlement of claim for automobile damage incurred when City vehicle struck private car."

Which was read.

Also,

Bill No. 2641

A Resolution entitled, "Resolution providing for the issuance of a $913.19 warrant in favor of Wallace Flowers in settlement of claim for automobile damage incurred when City vehicle struck parked car."

Which was read.

Also,

Bill No. 2642

A Resolution entitled, "Resolution providing for the issuance of a $6,000.00 warrant in favor of Raymond & Bernadette Rolewski in settlement of claim for property damage due to sewer backup."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2644

A Resolution entitled, "Resolution providing for an extension for two years of the professional services agreement with KPMG Peat Marwick for the performance of the City's annual audit at an aggregate cost of $185,000.00 for 1995 and $190,500 for 1996, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance. (These amounts will be included in the appropriation for Code Account 1063, Miscellaneous Services, Index Code 106302, Department of Finance, in the 1996 and 1997 Budgets)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2645

A Resolution entitled, "Resolution providing for an extension of the professional services agreement with Sedgwick James for a three month period beginning January 1, 1996 to March 31, 1996 at a cost not to exceed $166,182.00 chargeable to and payable from Code Account 44, Worker's Compensation, Department of Finance."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman O'Connor.

Mr. O'Connor:

I would like my comments brought forward on 2644 and 45, please.

(REMARKS--SEE ADDENDUM)

The Chair:

Thank you. Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2646

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also.

Bill No. 2647

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 2694

Report of the Committee on Finance and Budget for November 14, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2639

A Resolution entitled, "Resolution providing for a contract or the use of existing contract for the purchase and installation of a remote control device for the operation of a video camera mounted in City Council Chamber to be used by the Department of General Services, Bureau of Cable Communications for the live

cable casting of City Council Legislative and Standing Committee Meetings and specified public hearings and providing for the payment thereof at a cost not to exceed $15,000.00."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no" The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2695

Report of the Committee on Parks, Recreation and Youth Policy for November 14, 1995

, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2636

A Resolution entitled, "Resolution designating property to be used as the site for the erection of the Pittsburgh Police Memorial Monument and authorizing an agreement granting a license to enter the land therefor. **(SPONSORED BY MR. COHEN & MR. O'CONNOR).**"
Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman O'Connor.

Mr. O'Connor:

Yes, I would just like my comments brought forward on 2636.

(REMARKS--SEE ADDENDUM)

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you. Comments brought forward.

(REMARKS--SEE ADDENDUM)

Mr. Cohen:

On the same bill, I just would like to thank all Members of Council for co-

sponsoring this bill, and thank Councilman O'Connor for his work and look forward to putting together a Police Memorial Monument in the City of Pittsburgh.

The Chair:

Very good. Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 2696

Report of the Committee on Engineering and Construction for November 14, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2637

A Resolution entitled, "Resolution providing for a license Agreement with Wapiti Micro Systems, Inc. to provide the City with unlimited copies of the W4IKS and Traffic View System software programs and any future modifications or upgrades free of charge for the life of the Agreement. **(These software packages are necessary for the C.T.R.T.C.S. project and any future project that utilizes type 170 microprocessing traffic signal controllers).**"

Which was read.

Also,

Bill No. 2638

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the Ridge Nursing Facility Development, Plan of Property, located adjacent to Riverview Center for Seniors, and South of Browns Hill Road in the 15th Ward of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. Comments brought forward, please, on Bill 2637, regarding those emergency traffic lights.

(REMARKS–SEE ADDENDUM)

The Chair:

Very good. Other discussion? Hearing none, the bills are now ready for

final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, I'll recognize Councilman Udin.

Mr. Udin:

Yes. This is, to some extent, an inquiry of other Council colleagues and also to open some debate and perhaps get some guidance in thinking from Council Members regarding an increasing number of letters and calls from constituents in my District complaining about the treatment of inmates in the Allegheny County Jail. I recognize that is a County facility and not a City facility, but they are composed primarily of City constituents, and they have been subjected to the Criminal Justice System which contains punishment enough but it seems that within that system they are being further subjected, in some cases, to additional treatment, punishment by treatment, that is far beyond what the Criminal Justice System has seen fit for them.

I know that we are aware of some of the structurally and security problems of the new jail, but the question of what impact it's having on inmates and how inmates are being treated, is of growing concern.

As a matter of fact, I even heard a situation this morning that was reported, the son of a Pittsburgh Police Officer, who is an employee there, who has been subject to racial harassment by other employees. So, there seems to be a growing atmosphere of tension, a racial tension, at the County Jail, which I'm not sure if it's just coming into my District or if other colleagues are experiencing the same kind of complaints, and I'd like to get Council's input and advice and collaboration, if necessary, if we can figure out how we might be able to approach what appears to be a growing problem.

The Chair:

Thank you, Councilman. And, if there's any discussion, or information does come through the offices, we can communicate to Councilman Udin.

Mr. Udin:

Thank you.

The Chair:

Any other discussion?

Any other matter to be brought before the body? Other than to wish everybody a happy Thanksgiving.

Councilman O'Connor.

Mr. O'Connor:

Just to comment on Mr. Udin. Is the person in a labor agreement, that he might want to go to his or her labor –

Mr. Udin:

Yes, I believe the situation is being taken up by the normal channels, but –

Mr. O'Connor:

I mean that might be the first step.

Mr. Udin:

– but that might resolve that particular situation, I don't know if it will resolve the atmosphere that gave rise to the problem in the first place. I know obviously the County is in a period of transition and sometimes in a management transition like that, things tend to get a little loose and out of control. But, the people who actually manage the jail are not in transition, they've been there for years, and I'm not sure exactly how we as a City body address problems of our constituents in a County facility, I guess that's the question that I'm raising.

Mr. O'Connor:

You might leave an opportunity for the existing management or a new challenge for them to rise to the occasion and solve the problem before new bosses come in. I think by bringing it to their attention is the first step.

Mr. Udin:

That's what I'm hoping.

The Chair:

Very good. Any other comments on another issue? Any other issues?

If not, I'll entertain a motion to approve the Minutes and then I'll entertain a motion to adjourn the Legislative Session.

Mr. Hertzberg:

So moved.

MR. UDIN seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of MR. HERTZBERG

Council adjourned.

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILL NO. 2644, WEDNESDAY, NOVEMBER 14, 1995)

The Chair:

Councilman O'Connor. We have Director Hennigan with us. Director, good morning.

Mr. Hennigan:

Paul Hennigan
Director
Department of Finance

Good morning. We have the Deputy Controller as well.

The Chair:

And, the Deputy Controller Mr. Pokora and you want to identify your staff person with you?

Mr. Hennigan:

This is David Reifer, he's a Finance Administrator in the Department of Finance.

The Chair:

I'm sorry, what was his name.

Mr. Hennigan:

David Reifer.

The Chair:

Please use the microphone.

Mr. O'Connor:

I was curious – this is your annual audit?

Mr. Hennigan:

Yes.

Mr. O'Connor:

Well, the question I have and I have no idea what an audit of this magnitude cost and whether this is in line or out of line but how are we to know if we don't – why don't we bid it?

Mr. Hennigan:

We had this conversation last year when we asked for approval for an extension for Peat-Marwick to do the audit for the 1994 year end and at that time we indicated that we would consider putting this out to bid the following year because we believe this is a good thing to do in terms of making sure we are getting a good price and just serving the community and seeing who is willing to respond to it. However, in discussions that we have had with the Controller's Office and the Budget Office and the fact that we have a very large financial project going on right now, the three entities agreed that this would not be the time to bid out this kind of an audit. We project that we will begin to install the new financial system in 1997 and that's why we are asking for a two year extension. That is going to be an enormous transition. All of our departments have devoted full time staff to that project and now that we are heading into the implementation mode, we just all agree that this is not the time to change auditors. We are very satisfied with this group, they meet all of our standards and all of our criteria. We know just from the industry that the price is good price, it's a very good price. But we have agreed, the three entities have agreed, that the time to bid this out would be two years from now after we have installed the new financial system.

Mr. O'Connor:

So, you're saying at the end of two years we will bid it out?

Mr. Hennigan:

Yes.

Mr. O'Connor:

How do you – are you billed by the hour? How do we know it's a good price, that's my question?

Mr. Hennigan:

It's a flat fee and we look at hourly price. They provide an hourly price for the people that work on the audit and we are getting a good government rate – a government rate that is good, let's put it that way.

Mr. O'Connor:

So, in the past do we check –

The Chair:

– excuse me, Mr. O'Connor. Councilman Udin had a point of order on clarity.

Mr. Udin:

You indicated some big financial project that I didn't know what you were talking about.

Mr. Hennigan:

That is the Unisource Project, Councilman.

Mr. Udin:

Unisource?

Mr. Hennigan:

Yes.

Mr. Udin:

The unified computerization?

Mr. Hennigan:

Correct.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Do you audit at the end of the year, do you have an idea of how many hours and time they spend?

Mr. Hennigan:

I would ask the Deputy Controller to –

Mr. Pokora:

-- the audit that is performed is in conjunction with the annual report that the Controller's Office releases. My guesstimate would be somewhere around 1200 hours, I would assume.

Mr. O'Connor:

You're estimating, do you know that. Do they give you a breakdown of this?

Mr. Pokora:

Yes, they give us breakdowns with the billing of the hours per individual that work within the Peat-Marwick entity which individual it was, there are usually 4 to 5 personnel assigned to the audit for the City of Pittsburgh and they list each individual, their hours they worked on the audit at that time and what their hourly rate would be.

Mr. O'Connor:

So, then, this figure here is an estimate then at the end of the year they will come out with their actual cost plus profit.

Mr. Pokora:

They come up with the actual but this is what we pay them. If their costs are more, this is it. This is a flat fee.

Mr. O'Connor:

What if their costs are a lot less?

Mr. Pokora:

It hasn't been that way yet.

Mr. Hennigan:

They do put in more time. It's an enormous project and we'll just clarify that. The annual audit that is done each year is the Controller's audit and we are required to hire an independent accounting firm to certificate the Controller's audit.

Mr. O'Connor:

Well, I am not questioning that. I an questioning nobody does the City any favors. I mean, including -- no one's not included unless they are. If it cost more, they

will charge more. That sends a red flag right away if you're saying they are giving us something for nothing. If they are spending extra time and not getting paid for it, they're not very good business people.

Mr. Pokora:

They're not spending extra time, what they are doing is they are giving the personnel at a reduced government rate. If one of the auditors normally would make $30 or $35 an hour, they would charge – maybe they are charging us $25 for that auditor for that period. So, they are not really working more hours, they are giving us a reduction in the normal rate for an auditor.

Mr. O'Connor:

And, they come in with this figure?

Mr. Pokora:

That is correct.

Mr. O'Connor:

So, if they are under that figure we don't get the benefit, if they are over it they don't charge more? Is that what you are basically saying?

Mr. Pokora:

Yes.

Mr. O'Connor:

But, are you tracking it?

Mr. Pokora:

Yes. We track it as we pay them – we don't pay them in a lump sum, we pay them –

Mr. O'Connor:

– I guess what I'm asking is are they giving us a breakdown of what they are doing?

Mr. Pokora:

Absolutely. If I may, too, concur with Director Hennigan why we had agreed to this two year extension is that our chief accountant is working on the Unisource Project, the finance director's treasurer is working on the Unisource Project. If we were to shift auditors in midstream like this here, we would have to pull our personnel off the Unisource Project which we don't care to do because then we would be setting the time back for that project. Having Peat-Marwick continue the audit, since they know the City inside and out, I can have other personnel work with Pete in the annual report and doing the audit for '95.

Mr. O'Connor:

How long has Peat-Marwick had this contract with the City?

Mr. Hennigan:

They had a three year contract that was extended for one year this past year.

Mr. O'Connor:

Do you know how long before that?

Mr. Pokora:

They have had it as long as I have been here. At least 12 years.

Mr. O'Connor:

They may do good work and I don't have a problem with the work they do, I just think it's time for government – how do we know if we're getting the best buy for our buck?

Mr. Pokora:

It has been bid prior, Councilman.

Mr. O'Connor:

I'd be curious when was the last time it was bid.

Mr. Hennigan:

Four years ago. They had a three year contract and then a one year extension so there was a bid four years ago.

Mr. O'Connor:

Before that?

Mr. Hennigan:

Prior to that, I –

Mr. O'Connor:

– you're saying four years ago was a bid?

Mr. Hennigan:

Yes, I am.

Mr. O'Connor:

I'm just curious, I would like to know the record of how often – and I am not picking on them in particular, I'm just looking at the general scope of the way the City has been doing business for the last maybe 12 years. I have some legislation coming up looking at some of the health care issues that we have been blindly writing checks for way before the Murphy Administration got here so I'd like to see when it has been bid and who bid on it.

Mr Hennigan:

We will provide that history for you.

Mr O'Connor:

Thank you.

The Chair:

Other questions? Councilman Udin.

Mr. Udin:

I'm not clear on the direct connection between the Unisource development and planning and the audit. Help me understand why it's necessary to keep saying auditor rather than put it out to bid?

Mr. Hennigan:

There are two reasons and the Deputy Controller and I will respond to this together. There are two significant reasons. One is when we form the Unisource Project which is the comprehensive overhaul, the financial system of the City and the automation of the City. When we formed that project, there were five entities that came together to form it, City Council, the Controller's Office, the Finance Department, the Budget Department and City Information Systems. Those five entities, those five managers came together and we each made a commitment that we would devote at least one senior level, high level manager to the project full time to make it happen. We have devoted those resources now for one year, all five entities and one of the concerns is that if we were to change auditors right now simply in terms of personnel, the Deputy Controller – the Controller's Office would have to release their senior level person from the project and I would have to release my senior level person from the project to be able to come back in transition a new audit team to come in and learn the City, learn our systems, learn how to get data, learn how to interpret data. So we would definitely have to pull two senior level personnel from that project back over to our offices just to help transition a new audit team that's the first thing. The second -- excuse me?

Mr. Udin:

For how long?

Mr. Hennigan:

At least three months, four months. Probably four months.

Mr. Udin:

That's the entire duration of the audit.

Mr. Hennigan:

Correct.

Mr. Udin:

You would have to give them orientation for four months?

Mr. Hennigan:

We would have to literally be right next to them throughout the whole process just because of the complexity of an audit process and an organization this size and an organization that has the idiosyncrasies that we have with regard to our systems. The fact that there is data everywhere and it need to be pulled from a variety of sources to do an audit and to do it well. That is the first concern. The second concern is just that. We have -- the way the organization is currently managed with regard to financial data, it is

in a number of sources and the current auditors know all of those sources. In other words they know how to work with the Finance Department and they know how to work with the Controller's Office, they know how to work with the Pension Board, they know how to work with C.I.S. to gather all of the data they need to be able to do their work. If we brought in a new auditor right now, there would be an enormous amount of time in transitioning, showing them how to gather this data, where to get the data and how to interrupt the data and our feeling is that with the new financial system there would be one source for the data and the data will be very user friendly, not like it is currently. It is very non-user friendly right now. So, our feeling is that when we get the new financial system that is the time to bring in a new auditor or to put out for bid an audit in the event that a new auditor would come in. The system that they will use will be a lot simpler for them to use and their learning curve will not be as great. We believe that if we put out for bid the audit right now and a new firm would receive the business, the cost could increase substantially because of transition time that would be involved. Those are the two main reasons why we believe the Unisource Project and the transition to a new auditor would not be a good thing to do right now and if the Deputy Controller has something to add to that.

Mr. Pokora:

I can concur with Director Hennigan there. We would have to pull our individual off the project and he would have to walk the new auditors through the process. You are probably aware we lost our accounting manager several months ago. She took a job with another firm and we're training a new accounting manager as we speak so it would definitely be a situation where we would have to pull our chief accountant off the Unisource Project. Another thing I'd like to add though is that this firm, Peat-Marwick, has been monitoring the City's financial condition for the present year. They have worked with us on the water and sewer authority transitional move from the water department to the authority, the buy back of the infrastructure systems and the bonds that have been floated just recently so they are aware of all of the City's financial conditions and how we set up the City hierarchy. A new firm would come in would have to review the whole past year's financial conditions and financial moves we have made which would take extended time too which would tie both my personnel and the finance director's up and also Council's budgets staff up to some degree and in explaining to them why these moves were made and how they book these entries.

Mr. Udin:

Well, frankly, I think your arguments convince me even more so than before you answered them of the need for a competitive process because it is just that kind of thinking that I think gets us into trouble, it gets us into a kind of a lull where we get comfortable with an auditor, an auditor gets comfortable with us and a lot of things that a new auditor would find are not found because we are just kind of comfortable and don't want to be inconvenienced, you don't want to be inconvenienced to round the Unisource personnel. I don't believe that it would take the entire duration of the audit for your

senior managers to have to baby-sit the auditors throughout the entire process. I think it may be necessary for a certain period of time for them to learn the systems but after that I think that the personnel under the seniors would be able to answer whatever questions they had. The point of a competitive process and the point of occasionally bringing in a new auditor is to bring a fresh look at some of the systems and not to get lulled into the comfort of the same auditor doing the audit every year because they know the system well. So, I'm not at all convinced that those reasons are justified in not bidding the audit. The second question I had is about the -- what the level of minority participation is in Peat-Marwick?

Mr. Hennigan:

Peat-Marwick complies with the city policy which is 25 percent MBE, 10 percent WBE.

Mr. Udin:

It does?

Mr. Hennigan:

Yes, they subcontract with a firm, a MBE accounting firm.

Mr. Pokora:

If I may address, too, Councilman a couple of your concerns there. The audit is reviewed every year by the G.F.O.A. and it is viewed for those types of situations so that nothing is overlooked and for the last three years running it, the Controller's Office received a certificate of excellence for our audit reporting and for the work Peat-Marwick has done in auditing our books. It isn't a place where we have become complacent with each other. We are constantly --

Mr. Udin:

Twelve years?

Mr. Pokora:

Beg your pardon?

Mr. Udin:

Twelve years?

Mr. Pokora:

Sir, that's been competitively bid for those 12 years too until now and --

Mr. Ferlo:

-- excuse me, it is not a -- it's a professional service contract bid, isn't it.

Mr. Hennigan:

It had been bid, though.

Mr. Pokora:

R.F.P. They sent R.F.P's out.. Now, that's competitively done.

Mr. Ferlo:

Is it competitively bid on time and materials as it is professional services contract --

Mr. Pokora:

-- it's competitively bid as per total price for the audit. And, one of the reasons that Pete continues to be the lowest bidder is because of their knowledge of governmental finance and knowing of how the City does business, they can bid a lower rate because they know how to get information and where to go whether it be the Council's budget office, the Controller's Office or the Finance Department for the information. There are a lot of entities they have to work in conjunction with including the E.L.A., the Stadium Authority and the Parking Authority and the U.R.A. which are all components of the City of Pittsburgh. If a new auditor comes in, they have to learn all the new ropes and all the new systems and I don't believe that we would get to the point where we would have a complacency and a situation where we are overlooking our problems because there is too follow-up and too much backup to the current way we do business.

Mr. Hennigan:

I'd like to add one thing to that. The G.F.O.A. standard for a public engagement with an auditing firm is five years and what we would be doing with the approval of a two year extension it would amount to a six year agreement with Peat-Marwick which is one year beyond what is the G.F.O.A. standard. Councilman Udin, I agree with you wholeheartedly that there is a time for it to be bid out and we would like to make the commitment now that we would do so in two years so I agree with you. I just -- knowing what else I know about the operation of the City and the Unisource Project, I guess what we are asking for one year beyond what is considered to be the G.F.O.A. standard.

The Chair:

Director, real quick and then I'll go back to Councilman O'Connor. I have a question. You said the last time this was bid -- what year, four year ago?

Mr. Hennigan;

Yes. There was a three year contract and then we did a one year extension.

The Chair:

So, they wanted it four years because they won a three year contract?

Mr. Hennigan:

Correct.

The Chair:

What were the annual expenditures? What did we pay last year?

Mr. Hennigan:

For the year ended 1994, I will ask Mr. Reifer.

Mr. Reifer:

David Reifer
Finance Administrator
Department of Finance

The total was the same as was proposed for '96, $185,000 for all three services.

The Chair:

Then, that is what the price was for the first three years, too, of the contract?

Mr. Reifer:

It was a little bit less of those first three years. Last year when we extended contract, we also included two additional services that increased the cost somewhat. I'm trying to see what we paid -- I believe it was $156,000 for the three year contract we had prior to the first extension. That was just for the annual audit. With the extension we also included two new services, an option interim financial statement that they are working on right now for us and an indirect cost study which is something we file with the state on an annual basis.

The Chair:

Okay, thank you. Councilman O'Connor.

Mr. O'Connor:

Couple quick questions and I think the questions Councilman Udin mentioned is healthy. Peat-Marwick may be doing the best job in the world but I think we need a little proof comparison that is so and they should be wanting to justify that themselves. Who does the County audit of this kind?

Mr. Hennigan:

I don't know for certain but I think we are thinking here at the table that Peat-Marwick has.

Mr. O'Connor:

So, he may do the County too. Again, I don't know if it's good or bad.

Mr. Hennigan:

In relationship to our audit?

Mr. O'Connor:

Well, the same company doing everything. Do they check?

Mr. Hennigan:

As the Deputy Controller has pointed out, of the big six accounting firms Peat-Marwick is known throughout the country for having the largest governmental services practice.

Mr. O'Connor:

So, they're known for their –

Mr. Hennigan:

– they are known for that.

Mr. O'Connor:

I didn't realize that.

Mr. Hennigan:

Of the six, yes.

Mr. O'Connor:

What I would like to do – I'll support this but before Tuesday, I'd like to see what we are paying compared to other cities our size.

Mr. Hennigan:

Sure. We can do a little survey.

Mr. O'Connor:

That way – I need a comfort level that we are getting what we are paying for. And, we may be getting a better bargain but the problem is you don't know it. As you pointed out, it's not as easy buying a new car and checking the prices on the same value.

Mr. Hennigan:

Good point. We will provide that to you, Councilman.

The Chair:

Councilman Ricciardi.

Mr. Ricciardi.

Thank you. I would just like a better clarification from Deputy Controller, Mr. Pokora. Mr. Pokora, you mentioned the G.F.O.A. comes in and reviews the work of Peat-Marwick and I am a little confused on that. What exactly is their role?

Mr. Pokora:

We send our audit curves, our annual report to the G.F.O.A. and they audit it -- sort of audit it, they review it for compliance with the standards and if it exceeds or meets or exceeds their standards, we win the certificate of the excellence. We have in the last three years.

Mr. Ricciardi:

Okay. Thank you.

The Chair:

All in favor? Opposed? The ayes -- .

Mr. Udin:

-- no.

The Chair:

One opposed. The previous bill that we wanted a solicitor -- solicitor sent a note up asking that we hold the bill for one week, Bill No. 2643 on the $10,000.00 warrant.

Mr. Hertzberg:

So move.

Mr. Ferlo:

Second.

The Chair:

All in favor? Opposed? The ayes have it. That bill is held for one week, we'll discuss it next week. We move to Page 2, Bill No. 2645.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILL NO. 2645, WEDNESDAY, NOVEMBER 14, 1995)

Mr. O'Connor:

One quick -- I'm sorry I miss some of the discussion. When are we going to bid this out permanently? Again, these people may be doing the best job but we --

Mr. Hennigan:

It's out there. We have two vendors, two vendors right now that we are dealing with and we hope to make a decision by the end of November which will only give us one month to negotiate a very large, very complex brand new program and the great big unknown is whether or not we can negotiate that transition in one month and I am trying to anticipate this and do what I consider to be what a good manager needs to do and that is be prepared because of the devastation will be this. If we don't successfully negotiate a new contract by December 31, there are 1,200 active claims right now that will go into a black hole and those 1,200 active claims include paychecks. So, my greatest concern is that we are not meeting our obligation in terms of processing claims and processing paychecks and we agreed philosophically from the very beginning that the City had done a very poor job of managing it's Workers Compensation program and we agreed that we would overhaul that. We have worked incredibly to do a very large overhaul and I think we have a program design that is going to work. So, all I am trying to do is prepare for a very smooth transition. We are all committed to making the transition happen. We are committed to managing a new and improved program which we believe will substantially reduce our costs and you will see in our budget in a couple of weeks that we are one million dollars under for '96 than what we were in '95 so we are heading in the right direction. I don't want to do anything that would irresponsibly prevent a smooth transition.

Mr. O'Connor:

Are the two groups that you are talking to, do they include the hospitals or is it a company like I said -- joint effort by all the hospitals.

Mr. Hennigan:

There is a general contractor and our requirement was that the general contractor be a medical provider, so that is a hospital. They have subcontracted with a third party administrator which is what Sedgwick currently is for us. Sedgwick James is not included in either of the proposals. They subcontracted with a medical claims manager and then they subcontracted with whatever firms, vocational rehabilitation firms, whatever they think they need. And, that is what we are saying, this is a manage care program. It is a brand new concept in the area of Workers Compensation and all of those subs are accountable to the general contractor which is the medical provider and they are

bidding on this business at a fixed cost, a capitated level which means they bid and if their cost exceed that, they have to absorb the rest and that is another reason why the medical provider is the general contractor because we believe that the medical providers are the only entities large enough to absorb that kind of risk.

Mr. O'Connor:

I want to commend you on the direction you are going. I know it is taking you all longer maybe than we all thought. I know how hard you have been working on it. So, you are finishing up with the two general contractors. Now, in this compensation issue probably would not affect the older claims or can they review every claim?

Mr. Hennigan:

Yes. We have eight hundred and some and that's part of our problem. We believe that we will get control of what is happening now because we believe we have gotten better control of what has occurred in the past year. Part of the City's problem is we are carrying an enormous amount of baggage. We have 840 old claims. So, what we build into the R.F.P. is a very comprehensive review of all 840 of those claims. We need to go through each and every one of them.

Mr. O'Connor:

So, the claims that are really justified we certainly want to help them and give them give better if not the best medical help we can. The ones that are questionable, this company will look at bringing back to work, light duty, all the other --

Mr. Hennigan:

-- right. And, we are actually changing light duty. It is going to be called transitional duty now and we have the Law Department, the Personnel Department and the labor groups committed to working with us to reform that whole thing because the labor groups hate light duty. We don't like light duty either because it just doesn't work.

Mr. O'Connor:

Well, whatever it is called -- you know, labor I think is going to support it because I think labor knows and agrees with everybody the problem needs to be fixed. Otherwise, everybody loses because the legitimate labor people who are hurt now are suffering maybe because of sins of the past.

Mr. Hennigan:

Correct.

Mr. O'Connor:

So, then, you're saying by January 1, this new group will be in place?

Mr. Hennigan:

Our goal is January 1, but as I say with a major holiday in the month of December I don't know if we are going to have enough time to negotiate with the vendor and I'm just trying to be prepared for that. In the event we don't have a agreement, I want to make sure that 1,200 claims are still processed and people that need to get paychecks are still going to get their paychecks. That's all I'm trying to do is safe guard that because if that falls apart we're all going to hear about it.

Mr. O'Connor:

They are managing a system that you are paying them that much for three months?

Mr. Hennigan:

That is the price not to exceed and one of reasons -- yes, that also includes some temporary assistance. Sedgwick James is going to have to hire some temporary people because they know they don't have a future with the City of Pittsburgh in this upcoming new arrangement so quit a few of their claims managers are leaving. As a matter of fact, our number one claims manger we just learned, this morning at Sedgwick, is leaving which is a problem. So, there are temporary costs in there. We worked with them to create this transition plan so we know the costs, we're comfortable with the costs.

Mr O'Connor:

I think as my colleagues were mentioning, the longer it drags the poorer service we will get. I mean, whether they want to or not. Their key people are going to leave so we are kind of stuck here.

Mr. Hennigan:

And, we know that. The two vendors, the two successful finalist know that as well. They know that we are not interested in a long drawn out negotiation period or a long drawn out transition period.

Mr. O'Connor:

Who makes the final decision? How does that -- do you have a committee?

Mr. Hennigan:

We do. The committee consists of the Solicitor, Jacqueline Morrow, the Director of Personnel, Barbara Parees, the Assistant Director of Personnel, John Lasky, Carla Pomper who is the manager of employee compensation in the Department of Finance and myself and we will be making a recommendation to the Mayor.

Mr. O'Connor:

I wish you well and hopefully you can do it fast. We need the insurance and the money.

Mr. Hennigan:

Thank you.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

(BEGINNING - MESSRS. O'CONNOR, COHEN, ONORATO AND HERTZBERG'S COMMENTS ON BILL NO. 2636, WEDNESDAY, NOVEMBER 14, 1995)

The Chair:

Councilman Cohen then Councilman O'Connor.

Mr. Cohen:

Thank you very much. As you said, this is sponsored by both myself and Councilman O'Connor and this is a very important piece of legislation. As we all know, the job of a police officer is a very dangerous job and many police officers have been killed in the line of duty in the history of Pittsburgh and in the history of Allegheny County. Of course, we had a recent killing of a police officer and that was officer Rip Taylor. We have to honor these police officers in the line of duty and every year as all of you know there is a memorial mass and a memorial parade in honor of our police officers but we need to have something more permanent and there have been a number of people have been working on a more permanent memorial and that is in fact a law enforcement officers memorial monument. On the City Council, Councilman Bob O'Connor has been working very hard on that as have I but we also have a number of people in the audience here today including George Swanson and Gabe Kocheres from the Fraternal Order of Police. Sgt. Bill Burke, who is the Chair of the Law Enforcement Officers Memorial. Officer Ed Lackey, who is not a Pittsburgh Police Officer but a Plum Borough Police Officer and we welcome him to these chambers and he is the President of the Law Enforcement Officers Memorial. Retired Lt. Ray McKnowski, who is also the Chair of Adopt-A-Cop and we also have two very very special people who are in the Chambers today and that is Mary Grill and Theresa McCracken, who are the wife and daughter of Officer Joe Grill, who many of you may remember was killed in the line of duty in 1991 with Officer Tom Herron in the South Side during that chase that occurred in the South Side and resulted in the tragic passing of those two officers.

There have been many discussions with the Administration about this. A site has been identified and I'll turn that over to Bob O'Connor to discuss and also a great deal of money has been raised through private, I repeat private, donations. I believe it's $58,000 so far which has been headed up by Bill Burke and Ed Lackey. So, I want to thank you all for working so hard. And, just to get to this legislation for a moment. What this legislation does is it authorizes the Mayor and the Director of Parks and Recreation because it is a monument to enter into an agreement or agreements to grant the Bureau of Police, the Fraternal Order of Police and the Law Enforcement Officers Memorial the right to erect a Pittsburgh Police Memorial Monument in memory of Pittsburgh police officers who have been killed in the line of duty and providing care and maintenance of that monument so I urge everybody to support this and I'll turn it over to Councilman O'Connor.

Mr. O'Connor:

Actually, to follow up on what Dan said, this is turning over land on the North Shore. There has been two or three sites that have been discussed. In fact, it has gone on for a long time, quite a few years. That is why we got involved. I want to correct – I know it is sponsored by us but I know each Council Member that I have talked to certainly supports it and wants to do the right thing. With your permission, I would like -- if there is no objection, maybe Mr. Burke and Lackey and one of the – whoever, George or Gabe, if they would come and explain just a few minutes to us what they have envisioned here. I think it would be good for not only Council but for the public to see what they are doing in a few minutes.

The Chair:

I don't object to that on this unusual piece of legislation. If you want to comment though on what feedback you are getting from the Administration since I don't see anyone here from the Administration.

Mr. O'Connor:

Well, the Administration – actually, it was out at two sites and we had long discussions and negotiations but this is something that everybody has agreed to the Mayor and Planning have agreed to this site on the North Side. Again, I would like for them to maybe explain why. It is going to be a beautiful view, it's along the park setting and –

The Chair:

– is there someone here that wants to be the spokesman for everyone or one or two of you. Bill, if you could identify yourself for everyone.

Mr. Burke:

Bill Burke
Chair
Law Enforcement Officers Memorial

My name is Bill Burke. I am a retired Sergeant from Pittsburgh and I am the Chairman for the Law Enforcement Officers Memorial. We have been trying to build a memorial since 1989 when we were incorporated along with the F.O.P. for support for the officers who were killed in the line of duty. Unfortunately, since we started we have had a few officers who have been killed and we have tried to help the widows and the children. What our idea is, every year they have the police memorial in Washington D.C. and we have sponsored a couple of bus trips down there but we figure that not everybody can go to Washington and we want something here for the officers that have been killed

in the line of duty. We found information on officers, there is 82 in the County of Allegheny that we have information on and we know that the more we get publicized, people are going into their attics, going into old the albums and finding out that they have relatives that have been killed in the line of duty and we want them recognized, we want them remembered. Our motto is, 'less we forget. And, we feel that once there is a monument we have it to the veterans from the wars.

If you go to Gettysburg, there are monuments to the different divisions that fought in the Civil War. They have the Vietnam Veteran, the Korean Veterans and we figure that we are the defense here for the County of Allegheny in the City of Pittsburgh and when you start looking back to see how these officers were killed – we are trying to get information to the officers. We started the Adopt-A-Cop program where officers are told how to go about getting a vest. The City of Pittsburgh is one of the municipalities that provide vest for officers to save a life. We want to save a life rather than have a memorial to officers that are killed so we started the Adopt-A-Cop Program. We have the backing of the F.O.P. They use it in negotiations to save a life, that way we don't have to say we have another member of the law enforcement to put on a memorial. As the Councilman told you, we have been trying since 1989 to get some property within the Golden Triangle area where everybody from the county can come and remember the officers that were killed. We have had our blue light where we ask the people in the community to put a blue light in the Christmas season to show support for the law enforcement people. We have had success with that. We will be coming back before you people again asking for your support in recognizing the law enforcement people out there. A lot of people have relatives that have been killed and they say we don't know anything about it. So, we want to get information out. We are going to be putting a book together and we want the City of Pittsburgh and the County of Allegheny to recognize these officers and we appreciate being involved -- efforts in helping us secure this property. As they told you, we have been having difficulty finding a suitable spot. We were looking in the Golden Triangle because everybody comes to Downtown Pittsburgh. It's the county seat, plus it's the hub of every activity and we figure if we have people from out of town we show that we recognize our law enforcement people. Today, they are dying because of some actions here or there but you have to remember how many officers go out there everyday and put their life on the line and as along as they can come home, see their family and say I made it through another day, the community is safe, we feel good. Your support in backing us will be really appreciated because years from now we may be gone but people will come back and say the City of Pittsburgh, City Council, the Mayor and all the people of Allegheny County remembered the officers for what they did and I thank you for your time.

The Chair:

Thank you.

Mr. O'Connor:

Bill, you may want to mention this is not just for the City of Pittsburgh Police emphasize that it is all of Allegheny County and I think guards.

Mr. Burke:

All of Allegheny County, right. We have had approximately 57 officers and the rest are from the County.

Mr. O'Connor:

So, the memorial is a tribute to all officers in Allegheny County?

Mr. Burke:

And, it is not only to the police officers, it goes to the correction officers and, any FBI agents, any State Police that have been killed while on duty working in the County of Allegheny.

Mr. O'Connor:

As you say, a lot of people over the years may – there may not be a record of it so we are asking anybody who have a family survivor or friends who knows to get in touch with you?

Mr. Burke:

Right. Get in touch with me or get in touch with the F.O.P., either Lodge 91 in West Homestead or our F.O.P. here on Grant Street and it will be forwarded to us.

Mr. Cohen:

Also, Bill, if somebody wants to contribute, could you let them know how to get in touch with you?

Mr. Burke:

Yes, that's an important part. As you have told everybody, we have received private donations and the donations go to the Law Enforcement Officers Memorial in C/O the F.O.P. Lodge 1, 220 Grant Street, 6th Floor, 15219.

The Chair:

Stay right there, if you will, I think we have some questions. Councilman Udin.
Mr. Udin:

I think it's a very honorable project and I'll be supporting it. I had a couple of questions, though. You did answer one of them. It's for all Allegheny County and not just Pittsburgh?

Mr. Burke:

It's all Allegheny County, right.

Mr. Udin:

And, it's for law enforcement officers of whatever category, not just --

Mr. Burke:

Anybody that is in the law enforcement field. That goes correction officers, sheriffs, jail personnel, anybody that's connected with the law enforcement.

Mr. Udin:

Is the proposal now to be able to list the names?

Mr. Burke:

We want to list the names of all the officers that we have. There are some people that we don't have any information on and once get the names listed, we would like if there are any family members that have information that can tell us how the officer was killed. We can put this together in our book of information. There is a lot of history to be learned from what these officers did. We found that the first officer was killed down on Water Street and people don't even know where Water Street was back in the 1800s and he was killed on an armed robbery. He hid behind a pole and he confiscated the officers gun and it was a struggle and he was killed. There is a lot of information to be learned how these officers. How many black officers were killed. It's ironic that we have had just four officers from the black community that were killed but we don't have any Irishmen, Polish or anything but it's just the information. People want to know how did these officers die, who did they leave and when you find out there are some pretty prominent people who's grandfathers or great grandfathers were police officers and how they died, it's showing respect and that's what we want.

Mr. Udin:

The accompanying booklet will be able to spell that out.

Mr. Burke:

This is what we want to do. This is why as many times as we can we talk to the media to get the information out and it seems that once we get the information out, somebody always calls either the F.O.P. officer calls or myself and says well what about my great uncle, I found this. We have received information from California where they heard about us and they sent us information. We are looking for pictures of the officers that we don't have because in D.C. they have a computer that you can go down and punch the officers name in and they will bring the picture up. Right now we only have so many pictures and we want to try to get everyone so that they can get recognized and remember.

Mr. Udin:

One last question. The line of duty distinction, have you all talked about that. I mean, officers may be killed but not in the line of duty. How do you handle that?

Mr. Burke:

We have a criteria. The National Law Enforcement Memorial in D.C. set up a criteria as to how to figure the officers dying in the line of duty and we follow that criteria. They have gone through legislation down there and this is where we stand. We back them up and this is where we take the line.

Mr. Udin:

Thank you.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

I wanted to know what is the memorial going to look like, how big it is going to be, what is it going to look like visually and the budget. Even though this is private, what is the overall cost so people can get a sense of if they want to make donations what kind of impact they need to make.

Mr. Burke:

We have a new design. We have had three -- two designs so far. One is similar to what is in the cemeteries. The other was a park light setting that we were going to have at the Golden Triangle and when that property was turned down, we have to go to a wall memorial which is going to have six flags, three on each corner. And, if you visualize

looking from the North Side to Downtown, the area that we propose will have the fountain and the Golden Triangle where the rivers come together as a backgroumd and it will be a black granite wall.

Ms. McDonald:

How big is it going to be? How much space is that going to take?

Mr. O'Connor:

I have the footprint that I can show Council. As he said, we have had two or three drawings but unfortunately the locations have been changing. When you are on the North Shore, the Art Rooney statue sits right behind it.

Mr. Burke:

Yes, it's by Gate D.

Mr. O'Connor:

This is the piece of property. It's along the park setting along the river. It's a very nice setting and we designated this whole area -- they picture a wall here with six or seven flags facing the Point.

Mr. Burke:

There are a couple of trees there our architect marked thickly. He's a landscape architect and he wants to leave as much trees and shrubs there but there are a few that have to be removed and he wants to put an amphitheater on the backdrop which would be on the circle so we have to get a variance from the Department of Transportation.

Ms. McDonald:

What is the overall costs?

Mr. Burke:

We don't know right now. We raised $58,000 on our own but each time we have a design, it changes so the price is going to change. It depends on the granite. The first figure we had was $50,000 and that is because the granite had to be mined in Norway, this is where it was coming from for this particular design. This one will be a wall like so where they are going to get the material from we don't know. We are talking about six flag poles. Each one of the flag poles -- they start out about $2,500 because they are between 35 to 40 feet high and they are bronze

Ms. McDonald:

Thank you.

Mr. Cohen:

Sergeant, have you solicited corporate sponsorships yet? Is there a part of your group that is doing that?

Mr. Burke:

We have been turned down because we didn't have a site. At the time they said they couldn't back us on anything until we had a permanent location.

Mr. Cohen:

Well, now that you do if we can help at all in that vein in terms of soliciting corporate sponsorships or anybody else, please let us know. Also, if you could just tell us what the six flags will be. I assume United States, the County --

Mr. Burke:

-- the City, the County, United States flag, the F.O.P. flag and the Law Enforcement Memorial flag.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I think they have done an excellent job. It's a shame because they had two or three designs and everything but because of no location, it doesn't sound how serious and hard they have worked at it and it is a shame it dragged out this long but I want to commend the Mayor's Office, Planning and all Council Members for getting behind us so that we can get it moving. Once you guys got on it -- we got on it, it didn't take us long. It took six years and it really took us about two months to resolve all the issues so I hope from here we can go out and look for some corporate sponsors and I'm sure a lot of the donations would come from individuals so it gives them the power to design something. They have an excellent designer. What was his name --

Mr. Burke:

-- Mark Fickley. He's from right here in the City. His great grandfather was a first traffic officer in the city when they opened up the streets for shopping and this is

Ms. McDonald:

Thank you.

Mr. Cohen:

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I think they have done an excellent job. It's a shame because they had two or three designs and everything but because of no location, it doesn't sound how serious and hard they have worked at it and it is a shame it dragged out this long but I want to commend the Mayor's Office, Planning and all Council Members for getting behind us so that we can get it moving. Once you guys got on it – we got on it, it didn't take us long. It took six years and it really took us about two months to resolve all the issues so I hope from here we can go out and look for some corporate sponsors and I'm sure a lot of the donations would come from individuals so it gives them the power to design something. They have an excellent designer. What was his name –

Mr. Burke:

– Mark Fickley. He's from right here in the City. His great grandfather was a first traffic officer in the city when they opened up the streets for shopping and this is

where we got in touch with him. He sent me some information when I was at the academy and we had the museum. He wanted some background on his great grandfather and he sent us a picture and he said if there is anything that I can do to help, let me know. And, since he was a landscape architect, we took advantage and we are privileged and proud to have somebody with us. And, to mention it, if anybody wants to get involved with us they can just contact us through the F.O.P. and we need all the help and support we can get and Council has been gracious to us over the years. Each time that we come before you for different resolutions, it has been passed. Our idea is that once we have the memorial here in the city that we will not have to travel to D.C. unless unfortunately we have an officer that was killed here that we to go down with the family but we want to have our remembrance here at the monument and everything would coincide right around here being that it is over where the other monuments are. Not only has the officer served in law enforcement but a lot of them are veterans so they people that want to honor the veterans and honor the police officers can see all the memorials over there and I think it was through Dan Cohen and Bob O'Connor's help that Planning got together with us and the F.O.P. and us, we all decided that was a good area and we want to make it handicapped accessible, too. With the light there at Gate D, the area that is proposed, we will have handicapped accessibility.

The Chair:

Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Sergeant. I am very grateful that colleagues Cohen and O'Connor brought this forward. All of you are to be commended for your fine work in honor of the fallen officers and as you know, the memorial on the South Side for Officers' Herron and Grill is so well accepted and honored. As a matter of fact, the veterans in South Side community once a year have a service at that site and it has always been well respected, never been vandalized so I believe residents of the City of Pittsburgh are willing to stand up and honor those officers in all law enforcement that really are on the front lines and I think will also be well accepted and honored throughout so I just thank you for all your comments.

Mr. Burke:

I want to thank you, Gene, because that was through your efforts we were able to get the support of the South Side for those two officers.

Mr. Ricciardi:

Thank you.

The Chair:

Councilman Cusick.

Mr. Cusick:

I just want to commend you on all the hard work, Bill, that you and your committee has done and the ladies auxiliary, too. I mean, their help -- I think that should be noted, too, because --

Mr. Burke:

-- yes, without the women -- I'm glad you brought that up, without the women behind us. You know, they say behind every strong man is a strong woman and they wives have been real support of us and they have done a lot of work. A lot of them -- their husbands are deceased and they -- the problems that officers go through -- I mean, it's not only while they're working, they bring problems home and the wives have to help them out and with a strong wife behind you, you are able to overcome these obstacles and we thank you for recognizing that.

Mr. Cusick:

I would also like the opportunity at some point to sit down with you and talk about some other ways to get you some additional funding for your project.

Mr Burke:

I'm open for anything.

Mr Cusick:

Thank you.

The Chair:

Councilman Ferlo.

Mr. Ferlo:

I just want to, like everyone else, applaud you. I know you personally have been working and toiling for years on this project so I hope it come to fruition. It sounds, though, that the project will maybe be $100,000 to $150,000 if I get a guesstimate of what you are talking about as a minimum in terms of landscaping and the accessibility issue and things of that nature. I assume you will start or will not actually initiate the work until all the money is in place and all system's going.

Mr. Burke:

We are going to start -- what I would like to do is get an idea to what it is going to cost us and if we can get a good proportion of that money then we can have the ground breaking and people will know it is really a reality and not just a dream anymore.

Mr. Ferlo:

Has the Pittsburgh Regional History Center folks been involved with your committee. They have done so much research over the years and they have such a collection of information regarding the biographies of individuals and newspapers and all kinds of -- it's just interesting what they were able to find about what happened 150 years ago and I was just wondering have they been contacted at all in terms of usage.

Mr. Burke:

No, that's one resource that we haven't tapped only because we didn't know about it. I am involved with the Police Museum also and --

Mr. Ferlo:

-- I would ask that you contact John Herbst from the museum. Every time I have ever called him about some obscure information from 200 years ago, he has been able to find some resource. They have a lot of skill and lot of expertise at finding some of the information I think you are looking for. Just to clarify one thing because I know a number of us have also been supporting the Korean War Veterans Monument. Where would be or how does that site and maybe -- I don't know if you know this at all, do you know where that site is relative to what you are proposing here?

Mr. Burke:

They are going to be up river. We are going to be more down --

Mr. Ferlo:

-- when you say up river, toward --

Mr. Burke:

-- they are going to be toward the 6th Street Bridge.

The Chair:

Mr. Burke, the best way that I could describe that, too, I would say the Korean Memorial is closer to Gate C. You memorial is closer to Gate D of the stadium to get an idea of where you're coming out.

Mr. Burke:

It will be right at the light at Gate D.

Mr. Ferlo:

And, when you look at this memorial are you going to be looking towards the Point in town or towards the ugly stadium.

Mr. Burke:

You're going to be towards the Point, the back drop. That is the idea of having the names on the wall when you walk by. You will be looking straight across the river, you'll be seeing the point.

Mr. Ferlo:

Very good, congratulations and I am sure all of us -- anything we can do we will try to help you. The other thing, just in closing, I think a lot of times I guess being the parochial person that I am I like to see some of these great works of art spread around the city but I think there is a certain kind of amassing of some significant statues here in terms of memorials and in a way that in itself is going to become a memorial row and I think that might and maybe later on there can be some collaboration between the different memorials in terms of marketing them and letting people be attracted and be knowledgeable about the different memorials.

Mr. Burke:

That was one of the ideas that was brought up when Bob told us that the Korean Memorial and the Veterans was being there and it would be a good idea if we put ours there and with George Swanson being stationed over on the North Side, he knew the area there and he says because of the Science Center, the submarine and everything, there would be a lot of people over there and we will have people to view the memorial plus the games, you know, football, baseball and whatever.

The Chair:

I have one final question. Other than saying congratulations and getting this far, we still have a long way to go before it is completed. I know when you look at it you're looking at Downtown Pittsburgh and you're back is at the stadium. Will you be able to

see these from the trial and if so, what would you be looking at as they're walking along the river, where we have that walkway now.

Mr. Burke:

George, can you explain? You know more about that.

Mr. Swanson:

George Swanson
F.O.P.

Walkway goes right through there.

Mr. O'Connor:

It's right on the walkway, Dan. I'm sorry you didn't see the map but it will actually be a walkway from the Korean. It will almost be a memorial walkway.

The Chair:

So, it will be a new walkway in additional to what's there along the river?

Mr. Swanson:

It ties right into the walkway. It's right there. It's an area that was expanded, has a lot of hillside there and there is a place where we can build a ramp down, like Bill was saying, for handicapped and it's going to work out really well. People are going to be walking through there constantly or like you say, the running paths or whatever path you want to call it.

Mr. O'Connor:

This is the exiting walkway and here is the North Shore and this is the area that we cut out.

Mr. Swanson:

It's a little bit wider than the rest and this is why we picked it.

Mr. O'Connor:

Also, we feel it is easy to walk, the light is right here and there is a walkway now. I think the Art Rooney statue sits right behind it. It is a high spot and you bring out a good question. It will be here so you will be facing the city, not the –

The Chair:

-- that's the point. The monument will actually be between the walkway and the river. Okay. I couldn't visualize that.

Mr. O'Connor:

Right along here. In other words, you will automatically walk by it.

The Chair:

Very good. Thank you and we will be working with you over the next several years before it is completed.

Mr. Swanson:

I hope so. Thank you.

The Chair:

Councilman Hertzberg and then Councilman Cohen.

Mr. Hertzberg:

I just briefly want to thank Sgt. Burke and everyone else that was involved for all the dedication and hard work including Council Members Cohen and O'Connor.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you. I think all of us really should end up co-sponsoring because I'm sure everybody is very supportive so let's do that before Tuesday. Let me also just thank you for all your hard work. Also, welcome George Swanson back. It's nice to see him back in the Chambers after his illness. I would like to if we could -- if you don't mind, Mr. Chair, I would like to ask Mary Grill and Theresa McCracken to stand up if you would and thank you so much for coming here for survivors

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

(BEGINNING - MESSRS. O'CONNOR, COHEN, ONORATO AND HERTZBERG'S COMMENTS ON BILL NO. 2637, WEDNESDAY, NOVEMBER 14, 1995)

The Chair:

Director Reginella, we are on Bill No. 2637 of the Wapiti Micro Systems. If you could just explain to us the terms or what's going on here.

Mr. Reginella:

Fred Reginella
Director
Engineering & Construction

Wapiti is the name of the manufacturer. We are involved in the ongoing construction of the so called computerized traffic response of the traffic control system which in part involves the installation of traffic controllers at every signalized intersection. The controller operates on a microchip and it is required to download into that controller which essentially is a computer, the software that allows the intersection to operate as designed. The cost of that software is in the neighborhood of about $900 to $1,000 per controller. The purpose of the agreement is to allow the City to duplicate the software without having to purchase a package each and every time we install a new 170 Traffic Controller. This is to defray the cost of the City over the years. The agreement will be in place and perpetuity or until such time as the City or Wapiti chooses to discontinue or terminate the agreement. So, it is a move on our part to design to save the City a lot of money. Specifically, which there isn't a cost mentioned in the legislation, that is because the moneys are coming out of the contract which is already in place so we are not asking for any money. We are simply asking for the authority to enter into a contract with Wapiti but there is a cost to be sure and that cost is in the – I don't have the exact number but it is between 45 and $50,000.

The Chair:

Thank you. Councilman Udin.

Mr. Udin:

Pardon my lack of technical knowledge on this item. I just don't understand what we are buying. What does it do?

Mr. Reginella:

We are buying software for the traffic controller unit which is a computer essentially that you see at every signalized intersection. The next time you get to a

signalized intersection if you would take the time to look, you will find a cabinet at one of the corners mounted on a base of some sort. That is the unit that operates the traffic singles.

Mr. Udin:

So, this is software to operate the computerized operation of the traffic --

Mr. Reginella:

-- of the intersection. And, there is the facing, the timing and all that other data that needs to be on the software in order for the light to function.

Mr. Udin:

Is that how sequence of the traffic lights are controlled?

Mr. Reginella:

Yes. The so called facing, yes.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you very much. Director, the purpose of this is so that at certain busy intersections we would be able to operate the traffic light signalized intersection by electronic computer as opposed to having a police officer on that corner during busy -- during rush hours; is that correct?

Mr. Reginella:

Yes, that's part of it. Presently, in most of the city the signalized intersections are operated by an electrical mechanical controller which is nothing more than a clock. The computerized controller gives us much more flexibility. We are able to -- the electrical mechanical controller, you set a timing and facing operation and it runs that way for 24 hours a day. It doesn't recognize the peak hours and you know, midnight to 6:00 A.M. those variations in the traffic flows. The new computerized traffic controllers are preprogrammed, the software is to adjust to the time of day and peak periods. In so far as the police participation is concerned, there may still be some need for police officers presence at the intersection to make certain that people don't block the intersection, law enforcement type of thing, but the operation will be purely automatic. Naturally, the

police officer if needed has the ability to override the mechanical controller and the operation and do it manually if that is the case, if we so wish.

Mr. Cohen:

Let me ask it, then, rather than assume it. Is one of the goals to have this intersection account for peak periods so that we could actually save costs of police officers.

Mr. Reginella:

No doubt about it. Absolutely correct.

Mr. Cohen:

Given the situation, obviously there is a lot of discussion about police these days and it certainly will be in the budget but about the moving from 1,275 officers to 1,175 it means that we need, of course, to focus on how those officers are used. Particularly officers that are not specifically deployed in the anti-crime measures. So, I hope that would be a major goal of this.

Mr. Reginella:

No doubt about it. That was part of the intent way back when we began to design the system and it has been in the works for too many years to be exact.

Mr. Cohen:

I know, that was my next question. When is the pilot project going to be up and running?

Mr. Reginella:

The initial contract is to run it for 30 months. It has been in – the contract has be place for well over a year and it is due to be completed in early 1997, April-May of 1997. It is a 32 month project.

Mr. Cohen:

How many intersections would be up and running at that time?

Mr. Reginella:

Eighty-five intersections in downtown area alone. The system is designed to operate all of the intersections within the city which is about 500.

Mr. Cohen:

So, by April of '97 virtually all of the downtown intersections will be operating under computer?

Mr. Reginella:

All of the intersections downtown will be on this computerized system, yes.

Mr. Cohen:

Well, I am glad to hear that. I know this has been in the works for a long time but it really is important now that we try to move police officers as much as possible to deployment of the streets as opposed to traffic et cetera. The other question I had for you was – and I have talked to you about – you probably know what I'm going to ask, I have been talking about this for probably 4 or 5 years now but the emergency vehicles going through the intersections is such a potentially dangerous situation, the technology is out there to allow those emergency vehicles to change the traffic light from red to green in their direction so as to prevent any injury to our Public Safety personnel, is this included in here?

Mr. Reginella:

This project does not address the necessary software needed to achieve – to implement the controls for emergency vehicles that you speak of. However, we have designed the system to be able to be modified to accept that particular aspect of the operation and what we need to do is to sit down with the Fire Bureau particularly to determine which streets should be subject to that kind of an operation where the emergency vehicles have the option of overriding the traffic signal.

The Cohen:

The main arteries I assume it's likely.

Mr. Reginella:

Yes, like at Grant Street perhaps. And, that depends on where your response station, your fire stations are located and what routes they normally use to get to a particular site.

Mr. Cohen:

Okay. Are those discussions going on now?

Mr. Reginella:

We have talked to Chief Dickinson about it and we will continue the discussion until we get that in place.

Mr. Cohen:

Thank you very much.

The Chair:

Thank you. All in favor of the bill? Opposed? The ayes have it.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *November 28, 1995* *No. 46*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, November 28, 1995

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Onorato

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order. Will the Clerk please call the roll. Eight members present. Good morning, everyone. We have a quorum, and would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young man down here today. His name is James Calfo. His mom and dad are here from Lawrenceville, Jim and Joanna, and Jim, Jr., here goes to the First Grade at Friendship School, which is in Councilman Cohen's District, although they are residents in mine. And, Jim is going to lead us in the Pledge of Allegiance. James.

James Calfo:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

James, thank you. Thank you, James, you did a great job; appreciate you coming down here this morning with your mom and dad. And, our City Clerk has given you the flag of our nation and the flag of our great City, and he did a good job.

PRESENTATIONS

The Chair:

Ladies and gentlemen, we have a number of guests in the audience. At this time I would will like to call on Councilman Cohen.

Mr. Cohen:

I have a proclamation to be read into the record, Mr. President.

The Chair:

Very good.

MR. COHEN PRESENTS

No. 2697 WHEREAS, over 40 dedicated citizens of the City of Pittsburgh volunteer their time serving at excellent, well-planned community service programs held at the Stephen Foster Senior Center; and,

WHEREAS, the senior citizens of Pittsburgh benefit daily from the care and devotion of these volunteers; and,

WHEREAS, the volunteers of the Catholic Youth Association/Stephen Foster Community Centers devote a large portion of their time serving others; and,

WHEREAS, the Catholic Youth Association/Stephen Foster Community Centers will hold a Volunteer Appreciation dinner on Tuesday, November 28, 1995 to honor these fine individuals.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the good work of the volunteers at the Stephen Foster Senior Center.

MR. COHEN moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTS

No. 2698 WHEREAS, over 20 dedicated citizens of the City of Pittsburgh volunteer their time serving at excellent, well-planned community service programs held at the Bloomfield Senior Center; and,

WHEREAS, the senior citizens of Pittsburgh benefit daily from the care and devotion of these volunteers; and,

WHEREAS, the volunteers of the Catholic Youth Association/Stephen Foster Community Centers devote a large portion of their time serving others; and,

WHEREAS, the Catholic Youth Association/Stephen Foster Community Centers will hold a Volunteer Appreciation dinner on Tuesday, November 28, 1995 to honor these fine individuals.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the good work of the volunteers at the Bloomfield Senior Center.

MR. COHEN moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Councilwoman McDonald.

Ms. McDonald:

Mr. President, one for the record.

The Chair:

Thank you, Ms. McDonald:

MS. McDONALD PRESENTS

No. 2699 WHEREAS, on Monday, November 27, 1995, Ramon' Tru Dixon, Director and Chuck Deanes, Assistant Director of **The Next Level** will meet in front of the City County Building to begin their walk to New York City; and,

WHEREAS, **The Next Level**, is an organization that began in 1992 when Ramon' Tru Dixon found it necessary to begin a comprehensive tutoring program with an eleven year old child. After successfully tutoring the child until his grades improved dramatically Tru felt that they definitely reached **The Next Level**; and,

WHEREAS, Tru Dixon expanded his involvement with the youth by starting a traveling little league team comprised of youth from various gang ridden communities, to illustrate that the kids from rivaling communities can play together and learn to reach and support each other for a common goal. After each practice and game Tru would ask the kids "How far do you wanna go?"; their response, **"The Next Level!"** They won the Ammon Little League Championship; and,

WHEREAS, the walk to New York City by Ramon' Tru Dixon and Chuck Deanes will be to generate publicity, public awareness, support, and to find a distributor for the book **"How Far Do You Wanna Go?"** and T-shirts. The book will be sold nationally to raise 15 million dollars to build The Next Level Youth Complex on the former East Hills Shopping Center site; and,

WHEREAS, **The Next Level**, enriches the lives of disadvantaged children by providing quality, comprehensive, accessible and affordable educational, athletic, and support services for those children who desire to enhance these skills through their own commitment.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and recognizes Ramon' Tru Dixon and Chuck Deanes for taking on the challenge of walking to New York City for our youth and for something that they truly believe in.

MS. McDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Councilman O'Connor.

Mr. O'Connor:

Good morning. Would Bob Foster, Paul Burchfield and Larry DeFrancesco from the Domestic Abuse Counseling Center. And, this is a program I know really gets a lot of attention, last year when Judge Machen and you put some programs together, and you're doing a lot of wonderful things in our City. And, I would like to read this proclamation for you

Robert Foster is the CEO, Paul Burchfield is a Court Coordinator, and Larry DeFrancesco, a good friend from Oakland, is a Board of Directors.

MR. O'CONNOR PRESENTS

No. 2700 WHEREAS, the Domestic Abuse Counseling Center, Inc. is a non-profit organization whose mission is the end of partner violence in Western Pennsylvania. The Domestic Abuse Counseling Center is committed to safety and justice for the victims, attitudinal and behavior changes of abusers, and non-abusive values in the community; and,

WHEREAS, the Domestic Abuse Counseling Center's mission is accomplished through the development of programs for counseling abusers, collaborative efforts with social service agencies, criminal justice systems, victim-advocate agencies, health organizations and by means of public awareness; and,

WHEREAS, the Domestic Abuse Counseling Center boasts of a seventy percent completion rate of those who attend the thirteen week program, while the national average is only fifty percent; and,

WHEREAS, the Domestic Abuse Counseling Center is a national leader in ending partner violence by creating the Domestic Abuse Counseling Center Model, it is also the largest Batterers Treatment Program and Womens Resource Program in Pennsylvania with nine neighborhood counseling sites throughout the City of Pittsburgh; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends its thanks and appreciation to the Domestic Abuse Counseling Center for its dedication and commitment to the abolition of partner violence in Western Pennsylvania; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Tuesday, November 28, 1995 as "National Domestic Abuse Counseling Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Bob, I didn't realize there were nine places in Pittsburgh that we have. Maybe you could tell us a little bit about it.

Thanks for all the hard work you do.

Mr. Foster:

I really would like to thank Bob O'Connor and the rest of the Council for your support for, we are commonly referred to as DACC, and when we talk about the nine community sites, we are in your communities. We are in Downtown, North Side, East Liberty, South Side, Mt. Washington; we are headquartered in Mt. Washington; Lawrenceville, and we continue to expand throughout the City of Pittsburgh and Western Pennsylvania.

We are extremely pleased of having an 80 percent success rate and having the men that attend DACC as not being physically violent at the end of a six-month follow up study. That puts us on top nationally with other programs.

So, I am proud to be headquartered here in the City; I am proud of the collaborative efforts between the City and DACC and the work that we are doing, and we continue to be here and keep expanding and continue to work to end partner violence. Thank you.

The Chair:

Thank you.

Mr. O'Connor:

Paul, do you want to come up and say a few words?

Also, how do we get in touch with you, maybe, if someone needs your program?

Mr. Burchfield:

Thank you, Bob.

I also would like to thank Councilman O'Connor and the rest of the Council for this opportunity.

You can reach -- if anyone needs to reach us or any of our constituents need to reach us, our number is 431-4999. We are also in the Blue Pages under Social Service Agencies, and in the Where to Turn Book. Bob forgot to mention, we are also in Oakland and Shadyside. I thought of those sites, so. And, we do hope to expand with the help of the City of Pittsburgh, too, and including the County of Allegheny.

Our goals are to reach as many men as possible, to help as many families as possible. As you know, this is a big problem and it's tough work and I think we are doing a good job. Our statistics show that we are on top of all of the batterers programs in the nation.

So, I thank you for your support and hope to hear from each and every one of you if you need our services. Thank you.

The Chair:

Thank you very much.

Mr. O'Connor:

Larry is a board member, but I also want to mention, I know in Mr. Ricciardi's area, he built and owns one of the Community Police Stations, on Frazier Street, and he is very active in the community, and we want to thank you for all the hard work you do.

Mr. DeFrancesco:

I want to thank all the illustrious Councilmen and Councilwoman for their help in a much needed program. I mean, domestic abuse is growing at an alarming rate and we just hope we can do something to help. Thank you all.

The Chair:

Thank you. Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

While they are having their picture taken, I would just like to say, not only do they have a very notable success rate and not only are you doing very fine work, but one of the best compliments I could give you, as a Council person and knowing where your centers are, especially two of the centers, is that, well, I've never received a complaint from residents about your centers, and I think that is very noticeable and it needs to be brought out, because that is probably one of the better, or, the best compliments I could give you from a residential point of view, that people are not out there and people are not complaining about your location. So, you are doing something right, not only do you have a high success rate, but you are being good neighbors in the neighborhoods in the City of Pittsburgh. So, thank you for that.

The Chair:

Thank you. Keep up the good work. Thank you.

I believe Councilman Onorato has one to be read into the record.

MR. ONORATO PRESENTS

No. 2701 WHEREAS, The Whale's Tale was founded in 1970 as an outreach center and established as a non-profit, non-sectarian youth and family counseling agency by concerned churches and individuals in the Downtown area; and,

WHEREAS, Over the past twenty-five years The Whale's Tale has offered those in conflict with their lives a "safe place" and the opportunity to reexamine their goals and directions; and,

WHEREAS, The Whale's Tale is dedicated to helping youth and families help themselves by providing appropriate and effective alternatives to their present dilemmas through a full range of outclient, emergency shelter, residential and independent living services for counseling, education, prevention, intervention and treatment on many levels; and,

WHEREAS, some of the important and far-reaching programs of The Whale's Tale include, but are not limited to, Outreach Centers and Shelters to help homeless youth and runaways under the age of 21 by offering safe housing, hot meals, medical care and life skills training, Youth Emergency Shelter Services to provide physically and sexually abused and neglected 13 to 17 year old youth with emergency shelter and family counseling, an Adolescent Skill Advancement Program to assist dependent and delinquent 16 to 18 year old youth by helping them develop the life skills required for independent living, Children's

Placement Services a unique combination of residential treatment and other services for troubled 10 to 14 year old children focusing on reunification with the family, The Family Treatment Center where addicted women are supported and treated in a family setting offering individual, group and family therapy;

WHEREAS, The Whale's Tale provides comprehensive crisis intervention, chemical abuse treatment and mental health counseling, offering in-home services and a 24-hour crisis hotline for direct and immediate service; and,

WHEREAS, The Whale's Tale provides consultation, education, and training to help professionals increase their awareness, knowledge and skill through designing and delivering training and awareness programs in Allegheny and other surrounding counties to meet staff development and training needs; and,

WHEREAS, The Whale's Tale marks its 25th year of service and for over two decades has worked to alleviate the effect of homelessness, helped to establish self sufficiency, worked to build collaboration and partnership with communities to maximize resources important to the life of the community and is strengthening and supporting families by strengthening communities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates The Whale's Tale for 25 years of service to the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. That concludes our read and adopted. Under Presentation of Papers, calling on Councilman Cohen, Committee on Public Safety Services

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen. President.

MR. COHEN PRESENTED

No. 2702 Resolution providing for the issuance of a warrant in favor of the Center for Emergency Medicine of Western Pennsylvania in the amount of $7,069.68, in payment for rescue diver training, Bureau of Emergency Medical Services, Department of Public Safety, chargeable to Code Account 1421, Miscellaneous Services.

Also,

No. 2703 Resolution providing for the issuance of a warrant in favor of the Commonwealth of Pennsylvania-Pennsylvania Federal Surplus Property Program in the amount of $2,611.00, in payment for the purchase of riot helmets and chemical masks, chargeable to Code Account 1450, Equipment, Bureau of Police, Department of Public Safety.

Which were read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills

only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MS. McDONALD seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 2704 Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $225.87 in payment of railroad flagging services required for the bridge safety inspection of the Swinburne Street Bridge, charging the same to Code Account 3-13-05-0001-95.

Also,

No. 2705 Resolution providing for the issuance of a warrant in favor of Sofis Company, Inc., in the amount of $1,785.00 in payment of the fall protection system erected during the inspection of the Larimer Avenue Bridge, charging the same to Code Account 3-13-05-0001-95.

Which were read and referred to the Committee on Finance and Budget.

MR. HERTZBERG PRESENTED

No. 2706 Resolution authorizing and directing the Director of Public Works to prepare a report on rental revenue received from buildings, shelters, picnic facilities and other facilities in Parks.—**(SPONSORED BY MR. HERTZBERG AND MR. RICCIARDI)**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

Also,

No. 2707 Resolution authorizing and directing the Director of General Services to prepare a request for bidding on vending machines for the swimming pools.—**(SPONSORED BY MR. HERTZBERG)**

Which was read and referred to the Committee on Lands, Buildings and Procurement.

Also,

No. 2708 Resolution authorizing and directing the Director of Parks and Recreation to enter into a contract for the provision of vending machines at the swimming pools.—**(SPONSORED BY MR. HERTZBERG)**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MS. RICCIARDI seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTED

No. 2709 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Community and Social Services Programs in Public Housing Communities" at a cost not to exceed $150,000.00, chargeable to and payable from the 1994 CDBG Programs-Housing Authority, "Community and Social Services Programs in Public

Housing Communities" Project No. #04-65-0002-94-410-94-65.—**(PRESENTED BY MS. McDONALD AND MR. FERLO)**

Also,

No. 2710 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of $1,500,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs, for the Nine Mile Run Acquisition Project. .—**(PRESENTED BY MS. McDONALD AND MR. HERTZBERG)**

Also,

No. 2711 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh, providing for the designation of the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs. .— **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG)**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

MR. O'CONNOR PRESENTED

No. 2712 Resolution transferring the sum of Eighteen Thousand ($18,000.00) Dollars from Code Account 1126-1, Premium Pay, Department of General Services, to Code Account 1140, Salaries, Regular Employees, Department of General Services and transferring the sum of Forty-Five Thousand ($45,000.00) Dollars from Code Account 1126-1, Premium Pay, Department of General Services, to Code Account 1141, Salaries and Wages, Regular Employees, Department of General Services.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MS. McDONALD seconded the motion.

Which motion prevailed.

No. 2713 An Ordinance amending the Pittsburgh Code, Title 7, Article VII - Procedures, Chapter 161 - Contracts, Section 161.26 - Employee Benefit Administration, by requiring the Director of Finance to advertise and accept proposals from health care and/or other types of insurance which provides City employees with health and/or insurance benefit coverage for a term not to exceed four (4) years. —**(SPONSORED BY MR. O'CONNOR)**

Which were severally read and referred to the Committee on Finance and Budget.

Also,

No. 2714 An Ordinance amending the Pittsburgh Code, Title 2, Fiscal, Article IX, Property Taxes, Chapter 165, Exemptions for Residential Improvement, by adding a new sub-section to Section 256.06(f), Procedures for Obtaining Exemption, which authorizes and directs the Chief of the Bureau of Building Inspection to provide an application form and instructions to all persons who obtain a building permit for making the improvements to deteriorated residential property or for the construction of new residential unit or units in a deteriorated area. — **(SPONSORED BY MR. O'CONNOR)**

Which was read and referred to the Committee on Public Safety Services.

Also,

No. 2715 An Ordinance amending the Pittsburgh Code, Title 2, Fiscal, Article IX - Property Taxes, Chapter 267, Exemptions for Industrial and

Commercial Improvements, by changing the expiration date of the Chapter as Section 267.07 - Effective Date and Termination; and, by adding a new subsection at 267.05 - (b) through (e), Procedures for Obtaining Exemption, which authorizes and directs the Chief of the Bureau of Building Inspection to provide an application form and instructions to all persons obtaining a building permit for making improvements to or for the construction of industrial or commercial structures.— **(SPONSORED BY MR. O'CONNOR)**

Which was read and referred to the Committee on Public Safety Services.

MR. ONORATO PRESENTED

No. 2716 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for 1996.

Also,

No. 2717 Resolution transferring the amount of One Thousand Eight Hundred Dollars ($1,800.00) from the Mayor's Office Education and Training Code Account 1017-1, to the Law Department Education and Training Code Account 1075-1.

Also,

No. 2718 Resolution providing for an agreement with City Source Associates for use in marketing, clearing titles, transferring property titles, lot clean-up operations, and other related costs in the implementation of the "Side Yard Program", at a cost not to exceed $50,000.00.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2719 Resolution vacating Clayland Way from Basic Avenue to its easterly terminus in the 31st Ward, 5th Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

The Chair:

The Chair has no papers to present at this time. That concludes our Presentation of Papers. Is there any matter under Unfinished Business or Reports of Special Committees? Hearing none, I will move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Councilman O'Connor for Mr. Onorato, Committee on Finance and the Budget.

Mr. O'Connor:

Mr. President.

The Chair:

Thank you, Mr. O'Connor.

MR. O'CONNOR FOR MR. ONORATO PRESENTED

Bill No. 2720

Report of the Committee on Finance and Budget for November 21, 1995, transmitting two sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2643

A Resolution entitled, "Resolution providing for the issuance of warrant in the sum of $10,000.00 to Katherine A. Presslitz c/o J. Kerrington Lewis, Esquire, 1040 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of the action filed at 93-04189 alleging personal injury sustained due to a slip and fall on the sidewalk at Forbes Avenue and Liberty Avenue on or about August 8, 1992."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Ms. McDonald
Mr. Cusick	Mr. O'Connor
Mr. Hertzberg	Mr. Ricciardi
	Mr. Udin

AYES 7 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2678

A Resolution entitled, "Resolution authorizing the transfer of $7,000.00 from Code Account 1421-1, and $2,000.00 from Code Account 1424, to Code Account 1422, Bureau of Emergency Medical Services, Department of Public Safety."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2721

Report of the Committee on Public Works, Water and Environmental Services for November 21, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2602

A Resolution entitled, "Resolution authorizing and directing the City Controller and the Director of Public Works to conduct a comprehensive evaluation of the Environmental Services Division of the Department of Public Works.—**(AS AMENDED)—(SPONSORED BY MR. ONORATO)**"

Which was read.

Also,

Bill No. 2649

A Resolution entitled, "Resolution granting unto The Foundary, Inc. 1101, Bradish Street, Pittsburgh, PA 15203, their successors and assigns an encroachment to construct, maintain and use at their own cost and expense, a vestibule on a portion of the right-of-way at 1101 Bradish Street in the 17th Ward, 3rd Council District. **(A check for $125.00 has been presented to cover the cost for processing and administrative fee).**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Ricciardi.

Mr. Ricciardi:

Mr. President, motion to recommit Bill 2649.

MR. COHEN seconded the motion.

The Chair:

Moved and seconded. Any discussion?

WHICH MOTION PREVAILED.

The Chair:

Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. UDIN PRESENTED

Bill No. 2722

Report of the Committee on Planning, Zoning and Land Use for November 21, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2518

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by revising the definition of "Substantial Improvement" under the Flood Plain District Regulations, by correcting a section reference under the variance procedure in a Flood Plain District, and by adopting the Federal Emergency Management Agency updated flood plain maps. **(ALL COUNCIL DISTRICTS)—(AS AMENDED)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Cohen.

Mr. Cohen:

I would just like my comments brought forward on that bill, please.

(REMARKS--SEE ADDENDUM)

The Chair:

Very good. Any other discussion? Then the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2723

Report of the Committee on Housing, Economic Development and Promotion for November 21, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2661

A Resolution entitled, "Resolution authorizing the URA of Pittsburgh to submit an application for Financial Assistance in an amount not to exceed $700,000.00 to the Pennsylvania Department of Community Affairs for the North Shore Redevelopment Project."

Which was read

Also,

Bill No. 2662

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the North Shore Redevelopment Project providing for the reimbursement of the Commonwealth for any expenditures found by the Department of Community Affairs to be ineligible and obligating the City to pay any local share of project costs."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 2724

Report of the Committee on Lands, Buildings and Procurement for November 21, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2683

A Resolution entitled, "Resolution providing for a contract or contracts or the use of an existing contract or contracts to purchase and install telecommunications systems for various City Departments, in an amount not to exceed One Hundred Sixty-Nine Thousand ($169,000.00) Dollars, chargeable to and payable from Telephone Services and Equipment Code Account 1132-2, Department of General Services."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Udin
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES 1

(MR. O'CONNOR VOTING NO)

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees. Under Motions and Resolutions, any matter to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

The petitioners who have requested a public hearing, which is being held tomorrow afternoon, Wednesday, November 29th, at 2 P.M., regarding a disparity study issue, have a requested that the meeting be televised. Is there any objection, or would someone like to make a motion to that effect?

Mr. Ricciardi:

So move on the motion.

The Chair:

It has been moved. Is there a second?

MR. ONORATO seconded the motion.

The Chair:

Discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Please, if we could communicate to cable to have the public hearing televised tomorrow afternoon at 2 P.M., and to remind the Administration to please attend the hearing.

Any other matter? Council Cohen.

Mr. Cohen:

Thank you, Mr. President. I just wanted to give an update on the confrontation, if you will, up on Penn Avenue, right across from your district, Mr. President. As many people have heard, there are four Victorian style houses there, that are set for demolition. Actually demolition started this past weekend. And, if those buildings are demolished, they are going to leave virtually half the block vacant and turn it into a parking lot. That would not be good for that area of the City, especially for Penn Avenue, which, frankly, has other problems, and for someone to take down half the block would just exacerbate those problems.

The good news is that the Pittsburgh History and Landmarks Foundation has entered the negotiations with the owner and it looks as though they will be a very friendly negotiation partner. We have a meeting scheduled for my office at 8:30 tomorrow morning with the

owner, whose name is Mr. Musgrave, as well as residents from the community, Bloomfield/Garfield Corporation and the Pittsburgh History and Landmarks Foundation.

Obviously it is very difficult for government to step in and stop a private owner from tearing down houses that he owns, and as we had some discussion here yesterday, that may not legal and that is very difficult to do. However, for other potential buyers to step in and sit down and negotiate with this owner is a proper approach and hopefully will save those buildings.

As a result of this crisis, I am going to be introducing legislation next week on demolition, and what Councilman Ferlo suggested yesterday, about an early warning system, not that we can stop the Bureau of Building Inspection from issuing permits for demolition, and, frankly, many, if not most of those permits for demolition are appropriate and would be good for the neighborhoods, but there should at least be some warning system, so that the neighbors and the community group in that are know about it and have an opportunity to engage the owner in discussions or negotiations to buy that property should they be so inclined.

So, hopefully we will be able to save these four buildings. And, Mr. President, I look forward to co-sponsoring with you legislation to that effect. Thank you.

The Chair:

Thank you very much. Any other discussion?

We need a motion to excuse the absent Member, a motion to approve the Minutes.

And, I do want to remind our colleagues, we have a public hearing at 2 P.M., this afternoon on the budget for General Services Department. Councilman Onorato had a meeting this morning with a conflict and he will be back this afternoon. Councilman O'Connor will be chairing that meeting.

Mr. Cusick, did you have a different point to bring up?

Mr. Cusick:

Yes. If I may.

Over the weekend there was a lot of graffiti done in Beechview/Brookline area. I would just like to offer the -- I believe it's $500.00 reward to anyone who can give us some information on who destroyed or tried to destroy the mural that the Brookline Community worked on, and it was a beautiful mural, if I might say so myself. Some buildings up in the Beechview area also were just totally destroyed or had some of writing on it. And, it was real sad, especially in regards to the mural, the people put a lot of hard work and time into it.

I would just like to offer an additional hundred dollars if anyone can give us some information to lead to the arrest of the individuals who were responsible for this graffiti that went on that evening.

The Chair:

Do you want to give your number so that people --

Mr. Cusick:

My number is 255-2131. Please feel free to call me and we will make sure that your name is kept confidential. Thank you.

The Chair:

Very good. Any other discussion?

Again, on adjourning we need a motion to approve the Minutes, excuse the absent Member and to adjourn.

MR. CUSICK moved to excuse Mr. Onorato for absence from the Meeting.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. CUSICK moved to approve the Minutes of Monday, November 13, 1995.

MR. UDIN seconded the motion.

Which motion prevailed.

And on the motion of **MR. UDIN**

Council adjourned.

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 2518, WEDNESDAY, NOVEMBER 21, 1995)

Mr. Cohen: Discussion. Dan Sentz, if you can come here please. We just received this moment --

Mr. Udin: -- if I could -- this is an item that has been held several times because of the Planning Department's inference to comply with FEMA details and regulation and every time we go back we find a new change. What you have before you are the final additional amendments that the FEMA requires regarding the flood plain regulations for the City and the staff is convinced that -- and we have collaborated with them about this language and they also concur that once this is passed it will sufficiently meet their details. If you would care to add to that.

Mr. Sentz: No. The Councilman summed it up very well. We have been dealing with the Federal Emergency Management Agency to assure full compliance with their regulations. They have requested some additional changes via a letter we have received November 9th that was faxed to us. We had presented four changes that they requested at the time of the public hearing on November 1st. They subsequently got back to us on November 9th and requested four additional changes. So what Mr. Udin has passed out are the four changes which we had submitted at the public hearing on November 1st and additionally four additional changes which would meet their requirements as indicated by their letter of November 9th. So that's what has been presented.

Mr. Cohen: I'm familiar with discussions with FEMA about this. On the Saw Mill Run issue, I understand that FEMA has agreed to the amount that was requested with respect to all the people particularly on Ansonia Place; is that correct?

Mr. Sentz: That's correct. The one thing that is holding up the flow of that money is that FEMA cannot allow the disbursal of funds which they have a say over until our regulations are in full compliance.

Mr. Cohen: Does this bring our regulations into full compliance?

Mr. Sentz: Yes.

Mr. Cohen: Okay. So every "t" that needs to be crossed and "i" that needs to be dotted --

Mr. Sentz: -- we have crossed many "t's" and many "i's" with these people. Some of the "t's" we have crossed two or three times.

Mr. Cohen: Once we approve this FEMA will be able to cut a check.

Mr. Sentz: That's correct.

Mr. Cohen: Thank you.

Mr. Onorato: All in favor? Opposed? The ayes have it.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska.

Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *December 5, 1995* *No. 47*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER..City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, December 5, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. O'Connor

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young lady here today, she's 10 years old, she's in the 5th Grade, her name is Kristina Terrell, she's in the 9th Council District, Councilwoman Valerie McDonald's District, and she was sent down here today by her Principal, Mr. Nicholas, I know she's going to do a good job. She's not only a cheerleader in Guyasuta Football, but more importantly, I think she plays football, and we're pleased to see you down here today.

Kristina is going to lead us in the Pledge of Allegiance.

Kristina Terrell:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you, Kristina, I appreciate you coming down today, and our Clerk would like to present you with the flag of our great nation and the flag of our City. Thank you very much for attending the Council Session today.

PRESENTATIONS

MR. HERTZBERG PRESENTS

No. 2725 WHEREAS, Andrew Carnegie, on November 5,

1895, dedicated the Carnegie Library of Pittsburgh as "A great gift to the People"; and,

WHEREAS, Andrew Carnegie believed the Library to be a public necessity, born of philanthropy, but to be maintained as a public trust; and,

WHEREAS, Andrew Carnegie donated the grand building that is today the Main Library, and the City contributed the land on which it was built; and,

WHEREAS, following Andrew Carnegie's mandate, the City of Pittsburgh pledged ten percent of the cost of the building for materials and operations, with public support, to continue in perpetuity; and,

WHEREAS, this inaugurated a remarkable public/private partnership and the Library thrived, and,

WHEREAS, it became a leader among the country's preeminent public libraries, creating one of the first Children's Departments and instituted the first Science and Technology Department; and,

WHEREAS, for most Pittsburghers, the Library has become an integral part of the quality of life, a powerful force for education and enlightenment--just as Andrew Carnegie had planned; and,

WHEREAS, on November 5, 1995, the Carnegie Library of Pittsburgh, celebrated its 100th Anniversary of a long and distinguished history of leadership and service to the citizens of the Greater Pittsburgh area; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh offers our sincere thanks to the President and Director of the Carnegie Library and its Staff for their continued immeasurable contribution and services to the citizens of Greater Pittsburgh; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh joins in the community celebration of the 100th anniversary, and offers our sincere thanks to the Board and Planning Commission for their continued immeasurable contribution of enriching the cultural life of the citizens of the Greater Pittsburgh area.

SPONSORED BY COUNCILMAN ALAN HERTZBERG CO-SPONSORED BY COUNCILMAN DAN ONORATO, COUNCILWOMAN VALERIE McDONALD AND COUNCILMAN EUGENE RICCIARDI

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2726 WHEREAS, on August 26, 1920, the 19th Amendment was quietly signed into law by the Secretary of State, granting women the right to vote; and,

WHEREAS, on November 2, 1920, women of all races voted for the first time in a Federal election; and,

WHEREAS, women involved in the struggle to obtain the right to vote include: Jane Addams, Susan B. Anthony, Carrie Lane Chapman Catt, Frances Ellen Watkins Harper, Florence Kelly, Daisy Adams Lampkins, Lacretia Moot, Alice Paul, Jeannette Rankin, Elizabeth Cady Stanton, Jane Grey Swisshelm, Frances Willard, Sojourner Truth, and Lucy Stone; and,

WHEREAS, this year, around the world, women celebrate 75 years of the right to vote. One celebration locally was held at Carlow College where women in politics discussed the history of the struggle for the vote and shared personal experiences in the election process.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends the trailblazers of yesterday for pioneering the way for women of today to have the right to vote.

SPONSORED BY COUNCILWOMAN VALERIE A. McDONALD

MS. McDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTS

No. 2727 WHEREAS, on Saturday, November 11, 1995, the George Westinghouse High School Football Team was crowned City League Champions; and,

WHEREAS, the Westinghouse Bulldogs defeated Peabody High School with a score of 24-12 at South High Stadium; and,

WHEREAS, the George Westinghouse Bulldogs Championship Team is comprised of the following players: Andy Blackwell, Antoine Mitchell, Jason Freeman, Shanti Floyd, Ryan Johnson, Edward Caldwell, Ayodeji Young, Julian Bennett, Robert Dixon, Corey Alston, Labaron Robinson, Ezra Coles, Bobby Boyd, Lamaas Bey, Sean Holeman, Kalvin Jones, Jared Stokes, Anthony Williams, Phillip Fulmore, George Williams, Malcolm Brooks, Curtis Norman, Khalil Arter, Eric Patterson, Charles Barnett, Devin Brock, James Holmes, John Brewer, Isaiah Gwinn, Omar Smith, Greg Conley, Lamar Threats, Robert Cash, Leo Thomas, Maurice Bruce, Laron Harper, and Avanalist Jackson; and,

WHEREAS, others contributing to the success of the championship season include Head Coach George A. Webb, Sr.; Assistant Coaches Leroy Dillard, Richard Scott, Daryl Moore, Keino Fitzpatrick and Derek Whitted; Managers Chris Jenkins, Jared Cissell, and Anthony Blackwell; School Principal Lester A. Young; and Athletic Director Lance H. Carter, Sr.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and congratulate the George

Westinghouse High School Football Team on their 1995 Champion Season and further recognizes the team's efforts to be involved in activities that teach sportsmanship, leadership and above, all respect.

SPONSORED BY COUNCILWOMAN VALERIE A. McDONALD

MS. McDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 2728 WHEREAS, on November 30, 1995, Mrs. Frances D. Bulls will retire as Secretary of Pittsburgh Board of Public Education Business Office, having spent 30 years of distinguished service in the school system; and,

WHEREAS, Mrs. Bulls began her career at Oliver High School in 1965, and worked at various schools within the Pittsburgh School District, including Manchester, Schiller, Horace Mann, Columbus, Allegheny and McNaugher. She has spent the last five years working in the School District's Business Office Facilities; and,

WHEREAS, over the span of many years Mrs. Bulls attended Robert Morris College as a part time student. Her continued education was interrupted due to two long term illnesses, but Frances was determined to finish her education and is now in her senior year at Carlow College where she will soon graduate with a Bachelor of Science Degree in Sociology; and,

WHEREAS, Mrs. Bulls is a member of AFSCME Local 2924, and is also a member of Allen Chapel Church, a volunteer member of the layman's ministry, and coordinator of trips for incarcerated women sponsored through the Families Outside Program; and,

WHEREAS, in addition to a professional career, Mrs. Frances Bulls was able to nurture a family as well. Mrs. Bulls is the wife of James Bulls, and is mother of a daughter, Rena, and son, James; and,

WHEREAS, Mrs. Bulls' strong relationships with family, friends, and community have been made possible through inspiration by her favorite credence, "God grant me the SERENITY to accept the things I cannot change, the COURAGE to change the things I can, and the WISDOM to know the difference." Frances Bulls has adopted this prayer and utilized this message to its fullest.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh gives recognition to Mrs. Frances Bulls for thirty years of dedicated service to the Pittsburgh Public School District as well as a lifetime of service to family, church and community, and extends best wishes for health, happiness and serenity in her esteemed retirement.

SPONSORED BY COUNCILMAN DAN ONORATO

MR. ONORATO moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 2729 WHEREAS, Daniel J. Leo, will become an Eagle Scout at a ceremony to be held on December 2, 1995 at Most Holy Name School Hall; and,

WHEREAS, Daniel J. Leo was an altar boy for five years, received the Sons of the American Revolution Medal in June of 1995, an award for Perfect Attendance, the President's Academic Award and also a Citizenship Award; and,

WHEREAS, Daniel J. Leo earned 24 merit badges in the Scouts and passed the Eagle Board of Review in August of 1995; and,

WHEREAS, for his Eagle Project Daniel converted an abandoned area of the Most Holy Name rectory backyard into a nature preserve. This area offers food, shelter and water to surrounding wildlife; and,

WHEREAS, the Preserve met all of the requirements of the National Wildlife Federation and has been registered and certified at the National Wildlife Federation in Washington; and,

WHEREAS, the nature preserve has since been turned over to Most Holy Name School students and the area is being integrated into different areas of the school curriculum. The students are now responsible for the upkeep of the preserve.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes Daniel J. Leo for his outstanding citizenship and service as a Scout and congratulates him on achieving the honor of becoming an Eagle Scout.

SPONSORED BY COUNCILMAN DAN ONORATO

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTS

No. 2730 WHEREAS, heeding the words of President Theodore Roosevelt who stated, "This country will not be a good place for *any* of us to live in unless we make it a good place for *all* of us to live in," the goal of the **29th Ward Carrick Block Watch** is to make the Carrick community a Crime Free Community and promote the general welfare of the residents ; and,

WHEREAS, to this end, the **29th Ward Carrick Block Watch** participates in numerous activities and sponsors others such as the Carrick Home Health and Safety Fair which provides information on various law enforcement, fire prevention, hospital

and health related programs for Carrick and the surrounding neighborhoods; and,

WHEREAS, on Tuesday, August 1, 1995, The **29th Ward Carrick Block Watch** participated in NATIONAL NIGHT OUT 1995 by staging a "Take a Bite Out of Crime" Safety Parade along Brownsville Road followed by refreshments and demonstrations by various local law enforcement officials and the Allegheny Valley Search, React and Rescue of Southwestern Pennsylvania; and,

WHEREAS, in recognition of their efforts the **29th Ward Carrick Block Watch** has been awarded a **NATIONAL NIGHT OUT ALL-STAR AWARD** by the National Association of Town Watch for their "...outstanding leadership and participation in the 12th Annual National Night Out Crime and Drug Prevention Program"; and,

THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that the **29th Ward Carrick Block Watch** is commended for its resolve to make Carrick a "Crime Free Community" and congratulates the **29th Ward Carrick Block Watch** and all those who participated on their **NATIONAL NIGHT OUT ALL-STAR AWARD**; and,

BE IT FURTHER RESOLVED, that Thursday, December 7th, 1995 is declared **29TH WARD CARRICK BLOCK WATCH DAY** in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS GENE RICCIARDI, DAN COHEN AND JOE CUSICK

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTS

No. 2731 WHEREAS, **Branislav Lichardus, M.D. D.Sc.**, the Ambassador of the Slovak Republic to the United States since 1994, became a member of the Slovak Academy of Sciences in 1987, President of the Slovak Medical Society from 1990-1993, President of the Slovak Grant Agency from 1990-1992, and President of the Slovak Academy of Sciences since 1992; and,

WHEREAS, **Dr. Lichardus**, an author and renowned seminar lecturer, with a degree in medicine Summa Cum Laude from the Comenius in Bratislava, completed his internship in the Department of Medicine at Rayon Hospital, and has been a staff member of the Institute of Experimental Endocrinology of the Slovak Academy of Sciences in Bratislava since 1957; and,

WHEREAS, **Dr. Lichardus**, as Ambassador of the Slovak Republic, is working hard to preserve the cultural traditions of Slovakia and to encourage the development of new traditions; and,

WHEREAS, the primary objective of Slovakia's cultural policy is to use cultural events as a means of improving the level of understanding

understanding between nations. To this end, **Dr. Lichardus** hopes that the development of its contemporary culture and art can be done in concert with other national cultures, while at the same time, preserving Slovakia's unique cultural heritage; and,

THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby welcomes **Dr. Lichardus** and his wife, **Dr. Eva Kellerova**, to the Prince of Peace Parish, and congratulates **Dr. Lichardus** for his commitment to keeping the Slovakians traditions alive; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, December 2, 1995, **"Branislav Lichardus, M.D. D.Sc. Day"** in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS GENE RICCIARDI, DAN COHEN AND JIM FERLO

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTS

No. 2732 WHEREAS, Louise Child Care, founded in 1904, is a non-profit civic organization which provides child care services to 450 children aged six months to six years at eleven locations throughout the City; and,

WHEREAS, 70% of the children served by Louise Child Care are low income, and 65% of them come from single parent homes; and,

WHEREAS, Louise Child Care also operates thirty family Child Care Homes and provides training and mentoring services to child care professionals and centers; and,

WHEREAS, Louise Child Care has been granted exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, Louise Child Care desires to conduct a raffle to generate funds to finance its operations and further its purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh do hereby recognize and declare Louise Child Care to be a Civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

SPONSORED BY COUNCILMAN DAN COHEN

MR. COHEN moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTS

No. 2733 WHEREAS, On December 2nd & 3rd the Boys Choir of Harlem will kick off their 1995-96 Live On Stage season at the Benedum Center

in Pittsburgh, Pennsylvania. Live On Stage is being presented by The Pittsburgh Cultural Trust; and,

WHEREAS, The members of the Boys Choir of Harlem are world renowned performers. The Choir consists of 450 young people between the ages of eight and eighteen, and is in its twenty-fifth year of service; and,

WHEREAS, The Boys Choir of Harlem was founded by Dr. Walter J. Trumbull in 1968 as the Ephesus Church Choir of Central Harlem. Through the years, the Boys Choir has provided a conduit for many of New York's inner-city children; and,

WHEREAS, The Choir members have become role models for youth wherever they have performed, and have inspired audiences with classical, spiritual, gospel, and jazz music. The Choir's programs include comprehensive music and academic education, counseling and tutoring. They continue to be a major inspiration to the African-American community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh gives special recognition to the Boys Choir of Harlem for their music and inspiration, and extends best wishes for success during their performance in Pittsburgh.

SPONSORED BY COUNCILMAN SALA UDIN

MR. UDIN moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2734 WHEREAS, Janet Cercone Scullion has been a life-long resident of Bloomfield and has forged her career in nursing at the Veterans Administration Medical Center where she tirelessly served our veterans; and,

WHEREAS, through Janet's years of dedication and devotion to the Bloomfield community, she has been instrumental in acquiring many improvements that are so readily evidenced throughout the neighborhood; and,

WHEREAS, Janet has played a key role in founding the Spirit of Bloomfield, a family newsletter, and the Bloomfield Heritage and Preservation Society, Inc. which have proven to be informative and essential to the Bloomfield community; and,

WHEREAS, Janet was elected President of the Bloomfield Citizen's Council in 1986; and,

WHEREAS, under Janet's leadership, the BCC has been able to take a prominent role in shaping and developing Bloomfield in a way that allows the community to remain constant during a time when society is continually changing; and,

WHEREAS, Janet has demonstrated an ability to assume many different roles such as: wife, mother, nurse, educator, writer, historian, preservationist, community leader and an outstanding humanitarian; and,

WHEREAS, on Saturday, December 9, 1995 at 6:00 p.m., Janet Cercone Scullion will be proclaimed the recipient of the **First Annual Bloomfield Citizen of the Year Award** which will be presented at the First Annual Bloomfield Citizen of the Year Award Dinner/Dance at the Jene-Mager VFW Post 278 located at 4660 Gangwish Street in Bloomfield.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Saturday, December 9, 1995 to be "Janet Cercone Scullion Day" in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby commend and extend thanks to Janet Cercone Scullion for all of her dedication and leadership in the Bloomfield Community.

SPONSORED BY COUNCILMAN JIM FERLO AND COUNCILMAN DAN COHEN

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

I believe that concludes our Read and Adopted Resolutions, unless there's another matter to be brought that I'm not seeing on the list here.

But, I believe that concludes our Read and Adopted. Moving to Presentation of Papers, calling on Councilman Cohen, Committee on Public Safety Services.

MR. COHEN PRESENTED

No. 2735 Resolution authorizing the transfer of $415,000.00 from Code Account 1443, Salaries and Wages, Bureau of Police, Department of Public Safety, to the following Code Accounts: $300,000.00 to Code Account 1461-1, Premium Pay, Bureau of Fire; $100,000.00 to Code Account 1461, Salaries & Wages, Bureau of Fire, and $15,000.00 to Code Account 1461-2, In-Grade Pay, Bureau of Fire. **(PRESENTED BY MR. COHEN).**

Also,

No. 2736 Resolution authorizing the transfer of $200,000.00 from Code Account 1443, Salaries and Wages, 144303, to City-County I.D. and Information System Project, Bureau of Police, Department of Public Safety. **(PRESENTED BY MR. COHEN).**

Which were read and referred to the Committee on Finance and Budget.

Also,

No. 2737 An Ordinance supplementing the Pittsburgh Code, Title Ten, Building, Section 1007.02, by adding a new paragraph to Section 105.1-- Regulation of Demolition of private property. **(SPONSORED BY MR. COHEN).**

Which was read and referred to the Committee on Public Safety Services.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. CUSICK seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED

No. 2738 Resolution transferring $100,000.00 from Code Account Senior Citizens Program Trust Fund to the Code Account Special Summer Food Service Program Trust Fund.

Also,

No. 2739 Resolution transferring $825,000.00 from Code Account Special Summer Food Service Program Trust Fund to Code Account 25, Utilities.

Which were read and referred to the Committee on Finance and Budget.

MS. McDONALD PRESENTED

No. 2740 Resolution providing for an agreement or agreements for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, Lawrenceville Development Corporation and West End-Elliott Joint Project, at a cost not to exceed $80,013.56, chargeable to and payable from the Community Based Organizations Trust Fund.

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO PRESENTED

No. 2741 Resolution authorizing the transfer of $2,000.00 from Code Account 1023, Miscellaneous Services, to Code Account 1022-1, Premium Pay, Magistrates Court.

Also,

No. 2742 Resolution providing for the transfer of $14,000.00 from Code Account 1016, Mayor's Office, to Code Account 1034, Commission on Human Relations.

Also,

No. 2743 Resolution authorizing the transfer of $480,000.00 from Code Account 53-1, Debt Service-Stadium Authority, to Code Account 1461-1, Fire Bureau Premium Pay, Department of Public Safety.

Also,

No. 2744 Resolution transferring the amount of $100,000.00 from Code Account 44-9, Worker's Compensation Medical, to Code Account 45, Health Insurance Municipal Employees, Department of Finance.

Also,

No. 2745 Resolution transferring the amount of $75,000.00 from Code Account 44-9, Workers' Compensation Medical, to Code Account 46, Judgments, Department of Finance.

Which were severally read and referred to the Committee on Finance and Budget.

Also,

No. 2746 Resolution authorizing and directing the Director of the Department of Parks and Recreation to put out a bid for advertising rights on

the Schenley Park Ice Skating Rink floor and walls. The Director is also authorized and directed to prepare a revenue forecast for a twelve month period to be submitted to City Council. **(SPONSORED BY MR. ONORATO).**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 2747 Resolution providing for the issuance of a warrant in the sum of $2,490.00 to Deborah Paul, c/o Ted G Yoakam, Esquire, Attorney At Law, P O Box 105, Slickville, PA 15684, in full and final settlement of a slip and fall on City steps on Clover Street on or about May 31, 1990.

Also,

No. 2748 Resolution providing for an agreement or agreements with Charles J. Kolling, Legislative Consultant, for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1996, at an aggregate cost not to exceed during 1996, at an aggregate cost not to exceed thirty-thousand dollars ($30,000.00), chargeable to and payable from Code Account 1017, Miscellaneous Services, Mayor's Office.

Also,

No. 2749 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1996.

Also,

No. 2750 Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1996.

Also,

No. 2751 Resolution adopting and approving the 1996 Capital Budget and the 1996 Community Development Block Grant Program and approving the 1996 through 2001 Capital Improvement Program.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2752 Resolution transferring $657,000.00 from Code Account 1608, Salaries and Wages, Bureau of Operations; to the following Code Accounts within the Department of Public Works: $560,000.00 to Code Account 1667, Salaries & Wages, Bureau of Environmental Services, $27,000.00 to Code Account 1666, Salaries & Wages, Bureau of Environmental Services; $70,000.00 to Code Account 1660-1, Premium Pay, Bureau of Environmental Services. (These transfers are necessary to cover salaries and premium pay costs for the remainder of 1995). **(PRESENTED BY MR. RICCIARDI).**

Which was read and referred to the Committee on Finance and Budget.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was e introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 2753 An Ordinance Amending the Pittsburgh Code, Title Two, Fiscal, Article III, Business Related Taxes, Chapter 245.02, Levy & Rate, by increasing the earned income tax from the current one percent (1%) to one point one percent (1.1%). **(SPONSORED BY MR. FERLO).**

Also,

No. 2754 Resolution authorizing and directing the Director of Finance and the City Controller to establish the Youth Recreation and Services Trust Fund in a city depository and establishing certain funding and disbursement guidelines. **(SPONSORED BY MR. FERLO).**

Also,

No. 2755 Resolution authorizing and directing the Treasurer to deposit all revenue generated by the increase in the earned income tax into the Youth, Recreation and Services Trust Fund (YRSTF) Code Account. **(SPONSORED BY MR. FERLO).**

Which were severally read and referred to the Committee on Finance and Budget.

Also,

No. 2756 Resolution amending Resolution 377/1995, entitled, "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Dept. of Housing & Urban Development for a grant in connection with the 1995 Community Development Grant Program," by deleting line item St. John's Lutheran Church, $4,000.00 and increasing line item Bloomfield Garfield Corp. by $4,000.00. **(SPONSORED BY MR. FERLO).**

Also,

No. 2757 Resolution amending Resolution 645/1995, entitled, "Providing for an agreement(s) with various community organizations for operational/administrative expenses," by changing line item Stanton Heights Civic Association from $10,000.00 to $0, and by increasing line item Bloomfield Garfield Corporation $3,000.00, from $10,000.00 to $13,000.00, and increasing line item St. Mary's Lawrenceville Arts Program $7,000.00, from $5,000.00 to $12,000.00. **(SPONSORED BY MR. FERLO).**

Also,

No. 2758 Resolution amending Resolution No. 149/1994, entitled, "Resolution providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing & Urban Development for a grant in connection with the 1994 Community Development Block Grant Program," by changing City Council line item Stanton Heights Civic Association from $10,000.00 to $0, and increasing line item Bloomfield Garfield Corp., $3,000.00 from $10,000.00 to $13,000.00, and increasing line item St. Mary's Lawrenceville Arts Program $7,000.00, from $5,000.00 to $12,000.00. **(SPONSORED BY MR. FERLO).**

Also,

No. 2759 Resolution amending Resolution 375/1995, entitled, "Resolution providing for an agreement with various community organizations for operational/admin. expenses, maintenance, purchase of equip. and rehab. of facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $1,190.00, chargeable to and payable from the 1995 Community Development Block Grant Program," by changing line item St. John's Lutheran Church from $4,000.00 to $0, and increasing line item Bloomfield Garfield Corporation $4,000.00, from $9,000.00 to $13,000.00. **(SPONSORED BY MR. FERLO).**

Which were severally read and referred to the Committee on Housing, Economic Development and Promotion.

The Chair:

I would like to ask for a motion to waive Rule 8 on these bills, one of them requires public input, vis-à-vis the Tax Hearing, which is Wednesday afternoon. So, I'm asking for a motion to waive Rule 8, so that they can be referred for a public hearing, which is actually tomorrow afternoon at 2:00.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. They'll be up for a preliminary discussion, more importantly, referring to the public hearing on Wednesday afternoon at 2 p.m.

The other bills are basically redirecting already approved Block Grant monies in Council District 7 and don't affect in any way the budget.

That concludes our Presentation of Papers.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business or Reports of Special Committees, Councilwoman McDonald.

Ms. McDonald:

Yes, Mr. President, I would like to make a motion to reconsider my vote on Resolution 849 to reflect in the record as a no vote.

The Chair:

Thank you. Second.

MR. HERTZBERG seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.
The Chair:

Thank you very much.

Mr. Ricciardi:

Mr. President, same motion.

Mr. Hertzberg:

Same motion, Mr. President.

The Chair:

Please, if the Clerk could record the names appropriately.

Mr. Ricciardi:

Thank you.

The Chair:

On Unfinished Business, or other matters under Reports of Special Committees? Thank you very much.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 2760

Report of the Committee on Finance and Budget for November 29, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2680

A Resolution entitled, "Resolution establishing the fee for issuance of a Municipal Claims Certificate.—**(AS AMENDED)—SPONSORED BY MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, relative to Bill No. 2680, I'm going to make a motion to amend by substitution. There should be an amendment within the little yellow folders the Clerk has distributed.

MR. ONORATO seconded the motion.

The Chair:

Any discussion? This kind of follows up on our Committee discussion –

Mr. Hertzberg:

Right. The Law Department and the Director of Finance indicated they wanted some flexibility with the type of form for the Municipal Claim Certificate, and that's what the amendment allows.

The Chair:

All in favor of the substitute amendment?
WHICH MOTION PREVAILED.

The Chair:

And, on the bill itself, do you have a comment?

Mr. Hertzberg:

Yes. Mr. President, first ask that my comments be brought forward from our Standing Committee Meeting last week.

(REMARKS–SEE ADDENDUM)

Mr. Hertzberg:

If you recall, this is a bill that would have our Director of Finance issuing a new Certificate, called a Municipal Claim Certificate, new only to the City of Pittsburgh. Virtually every other municipality in this Commonwealth already issues such a Certificate, most commonly paid for by the seller of real estate in a real estate transfer. Right now we are issuing only a Tax Certificate at a fee of $5.00. This would combine the Claim Certificate with the Tax Certificate for a total fee of $30.00. The conservative estimate of the revenue that will be raised is about $175,000.00 for the 1996 budget.

The Chair:

Thank you, Councilman, for your hard work on this bill.

Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 6 NOES 1

(MR. COHEN VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2684

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $1000.00 to Charmella Terry and Paul M. Goltz, Esquire, her attorney, 810 Allegheny Building, Pittsburgh, PA, 15219, in full and final settlement of an accident that occurred in front of 5824 East Liberty Boulevard, allegedly resulting from an improperly maintained or constructed transformer box on or about March 5, 1990."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when

their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2685

A Resolution entitled, "Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of counsel to assist in the representation of the City of Pittsburgh for outside legal counsel at a cost not to exceed $100,000 (One Hundred Thousand Dollars), chargeable to and payable from Code Account 1075, Miscellaneous Services, Department of Law."

Which was read.

Also,

Bill No. 2691

A Resolution entitled, "Resolution authorizing and directing the Chief Magistrate, City Court, to assess and collect court costs equivalent to the costs for summary offenses established by the Pennsylvania Supreme Court for each and every violation of the provisions of Chapters 541, 543 and 545 of the City Code.— **(SPONSORED BY MR. FERLO)"**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2702

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Center for Emergency Medicine of Western Pennsylvania in the amount of $7,069.68, in payment for rescue diver training, Bureau of Emergency Medical Services, Department of Public Safety, chargeable to Code Account 1421, Miscellaneous Services."

Which was read.

Also,

Bill No. 2703

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Commonwealth of Pennsylvania-Pennsylvania Federal Surplus Property Program in the amount of $2,611.00, in payment for the purchase of riot helmets and chemical masks, chargeable to Code Account 1450, Equipment, Bureau of Police, Department of Public Safety."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2712

A Resolution entitled, "Resolution transferring the sum of Eighteen Thousand ($18,000.00) Dollars from Code Account 1126-1, Premium Pay, Department of General Services, to Code Account 1140, Salaries, Regular Employees, Department of General Services and transferring the sum of Forty-Five Thousand ($45,000.00) Dollars from Code Account 1126-1, Premium Pay, Department of General Services, to Code Account 1141, Salaries and Wages, Regular Employees, Department of General Services."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)
AYES 7	NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 2761

Report of the Committee on Public Works, Water and Environmental Services for November 29, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2687

A Resolution entitled, "Resolution providing for a contract or contracts, or the use of existing contracts, for the purchase of litter receptacles, at a cost not to exceed Fifty Thousand ($50,000.00) Dollars, chargeable to and payable from Code Account 1612-2, Equipment."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES 1

(MR. UDIN VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2649

A Resolution entitled, "Resolution granting unto The Foundary, Inc. 1101, Bradish Street, Pittsburgh, PA 15203, their successors and assigns an encroachment to construct, maintain and use at their own cost and expense, a vestibule on a portion of the right-of-way at 1101 Bradish Street in the 17th Ward, 3rd Council District. **(A check for $125.00 has been presented to cover the cost for processing and administrative fee).**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

Mr. President, motion to table Bill 2649, thus allowing South Side residents to continue dialogue.
MR. HERTZBERG seconded the motion.

The Chair:

Any discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

The bill, 2649, is tabled.

Also,

Bill No. 2706

A Resolution entitled, "Resolution authorizing and directing the Director of Public Works to prepare a report on rental revenue received from buildings, shelters, picnic facilities and other facilities in Parks.—**(SPONSORED BY MR. HERTZBERG AND MR. RICCIARDI)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Bill No. 2706, you have an amendment in front of you. I move to amend by substitution.

MR. RICCIARDI seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

It has been moved and seconded. On the bill, any discussion, Councilman Hertzberg.

Mr. Hertzberg:

On the amendment, this adds the "ball fields" that was left out. We had some discussion at the table again. I think it would be advisable to add "ball fields" here.

Also, bring my comments forward on 2706.

(REMARKS–SEE ADDENDUM)

The Chair:

Thank you. Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MS. McDONALD PRESENTED

Bill No. 2762

Report of the Committee on Housing, Economic Development and Promotion,

for November 29, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2458

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District, providing for the financing, monitoring, implementing and terminating of the Penn Liberty Plaza Tax Incremental Financing District. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**"

Which was read.

Also,

Bill No. 2459

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District, providing for the financing, monitoring, implementing and terminating of the Center Triangle Tax Incremental Financing District. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**"

Which was read.

Also,

Bill No. 2460

A Resolution entitled, "Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the Penn Liberty Plaza Tax Incremental Financing District, and making certain findings. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**"—(AS AMENDED)

Which was read.

Also,

Bill No. 2461

A Resolution entitled, "Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the Center Triangle Tax Incremental Financing District, and making certain findings. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**"—(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:	
Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)
AYES 8	NOES none

The bills having received the legally required number of votes are passed finally.

MR. ONORATO FOR MR. O'CONNOR PRESENTED

Bill No. 2763

Report of the Committee on Lands, Buildings and Procurement for November 29, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2707

A Resolution entitled, "Resolution authorizing and directing the Director of General Services to prepare a request for bidding on vending machines for the swimming pools.—**(SPONSORED BY MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Hertzberg.

Mr. Hertzberg:

Mr. President. Regardless of how you feel about any other legislation on the swimming pools, I think you should vote for this bill. I think we all must acknowledge that at least vending machines are appropriate in swimming pools and that it is some revenue that we haven't received that we should be receiving and it's also much more convenient for pool users to be able to buy a snack while they're within our pools instead of having to find the nearest store.

The Chair:

Will we still put vending machines at the 16 pools that the Administration plans on closing, or just the ones that will remain open?

Councilman Udin, on this bill.

Mr. Udin:

Yes. We haven't discussed the litter that will be created by these vending machines, and I would hope that, if this bill is passed, that we would see if we can't get some kind of recycling machine or something like that that would – and some required receptacles that would be available, because not only would it produce just litter, could also produce a danger around the swimming pools with cans of soda lying around.

The Chair:

I believe one of the reasons why the vending machines haven't been there in the past is because of cans and litter getting into the pool area, which is a Health Department concern. I think the spirit of this bill is to try to explore those different issues and see if we can meet the letter of the law with the Health Department, not add to the aggravation of litter or cans being in the pools, but at

the same time, not only provide some income but also a convenience for those individuals who use the pools.

Mr. Udin:

May I ask the maker of the bill if he has looked into that?

Mr. Hertzberg:

Yes, that's fine. Mr. President, and Councilman Udin, that's a good concern. I think virtually every other pool, summer pool, at least, outdoor pool, in the country has some kind of food sold there. It's a problem, but it's a problem that's dealt with. Ordinarily what you do is you designate a particular area as the area where you must stay when you consume whatever you're consuming and you have your receptacles located there. It's not perfect, you're always going to get those who break the rules, but I'm hopeful that we can manage this problem.

The Chair:

I think also right now there's still a problem. Even without the vending machines, you already have individuals who bring food and beverage into the pool area. So, that's actually a problem that we have to deal with in any event, and I think we should at least try and explore this option and see what the impact is going to be.

Other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 2764

Report of the Committee on Parks, Recreation and Youth Policy for November 29, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2679

A Resolution entitled, "Resolution directing the Parks and Recreation Department to present a plan to City Council exploring community and/or private management of City of Pittsburgh swimming pools.—**(AS AMENDED)—(SPONSORED BY MR. COHEN, MR. CUSICK and MS. McDONALD)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. This pool issue is not over. On Bill 2679, which is a resolution directing the Parks and Recreation Department -- and by the way, also, the Mayor's Council on Competitiveness, that was an amendment that was passed on Wednesday, just wasn't included in the final bill. We do not need to waive the Rules for that.

This is a third path, Mr. President. Members of Council, that I'm proposing along with Councilman Cusick and Councilwoman Valerie McDonald, and that third path is, not to close the pools and not to raise the fees, or increase the budget deficit, but, in fact, to look at community management or private non-profit management of our pools. The pool fee increase, I believe will keep the pools open in 1996. I believe I did hear a commitment to that yesterday. I hope that the Administration keeps that commitment. I also want to commend Councilman Hertzberg for coming up with a package to keep those pools open. But, folks, what about the future. Look at the package that Mr. Hertzberg put together, and, again, I commend him for that, one item of that, which the Councilman discussed yesterday, is a one-time item, and that is the $169,000.00 for the would-contractors restitution payment, a creative item, but nevertheless, it's a one-time item. Moreover, the budget deficit may well get worse before it gets better.

So, what about the future. We have to begin now to plan for the future, and that means looking at this -- what I'm referring to is a third path, this creative alternative. It has been done in other cities, we've talked about this before, Indianapolis, Indiana, has done it and the City has benefited from it. And, I should say, by the way, that the unions opposed this and other things that Mayor Goldsmith in Indianapolis is doing, but now the unions praise him because they're able to compete for those contracts and win those contracts.

Secondly, Leigh County, Leigh County, Florida, where I passed out to everybody an actual contract between their Parks and Recreation Department and the YMCA, and there they did it in such a way that the pool fees remained very low, $1.00 for children and $2.00 for adults. I'm looking at the actual contract here, and they were able to do it by the YMCA paying for all expenses and taking in all revenues, and they also added on top of the City programs, their own YMCA programs, some of which were very beneficial to the youth of that community, and I think it would be beneficial to the youth of this community.

We have at least one community group, one community group already that has expressed interest in this and that's the Greenfield Organization and potentially a non-profit that is interested in doing this. We also have precedent here in Pittsburgh. Everybody knows that the zoo, and I realize we've had battles on each one of these, but the zoo,

Phipp's Conservatory, the Schenley Park Golf Course, the Neville Ice Rink, are all recreational facilities that the City continues to own and yet is managed by a non-public group. I would prefer to see it be a community development corporation, or a community group, in the case of pools.

The other is, let's face it, the way the pools are managed in the City of Pittsburgh is incredibly inefficient. I mean getting a pool pass in the City of Pittsburgh is as difficult as getting a passport or a Visa to another country. It's impossible. There are only three locations, getting to those locations is difficult. The offices are shut down. The pools are often shut down. I mean how times has Councilman Onorato and Councilman Hertzberg talked about how often the pools have been shut down because of inefficiencies, because either the chemicals didn't arrive on time, the lifeguards didn't arrive on time, the lifeguard wasn't there. If we --

The Chair:

The lifeguard and the chemicals didn't arrive on time.

Mr. Cohen:

The lifeguard and the chemicals weren't there. Maybe the lifeguard was on the chemicals, you never know. The way things have been going.

But, if we explore other management of these pools, then perhaps they can attract more swimmers to come to these pools, and that includes things like water slides, being able to get a pass right there at the pool. I mean why can't they just get a pass right there at the pool if they want to swim, it's a hundred degrees one afternoon and they just want to go that one day.

So, I think that there are inefficiencies that could really be eliminated. This bill is not implementation legislation, it doesn't put into effect a community management or private non-profit management, what it does is it directs Parks and Recreation and the Mayor's Council on Competitiveness to present a plan to Council. Because, folks, regardless of what happened on the last vote, and, again, I commend Councilman Hertzberg for putting it together, the writing is on the wall for what's going to happen to pools and other recreational facilities in the future, if we don't come up with a third path, and that is, not closing these facilities and not increasing fees yet again, or expanding the deficit, but trying a community management of our swimming pools.

And, I thank my other colleagues for supporting this last Wednesday, thank Councilman Cusick and Councilwoman McDonald for co-sponsoring this. It also does include, by the way, the amendment that Councilman Udin suggested, and that is saying that the plan must examine the affects of community and/or private management of pools in the Low Income communities, and I would ask for your support.

The Chair:

Thank you, Councilman Cohen. Councilman Hertzberg.

Mr. Hertzberg:

Thank you. I'll be voting no. I'm not going to elaborate again. I'd ask that my comments be brought forward from our last Wednesday meeting, when I also voted no.

(REMARKS–SEE ADDENDUM)

Mr. Onorato:

I want my comments brought forward.

(REMARKS–SEE ADDENDUM)

(Discussion)

The Chair:

Roll call vote on the bill.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 5 NOES 3

VOTING NO:

Mr. Hertzberg	Mr. Udin
Mr. Ricciardi	

The bill having received the legally required number of votes passed finally.

Also, with a **NEGATIVE** recommendation,

No. 2681 Resolution establishing a schedule of fees for the swimming pools for 1996.— **NEGATIVE RECOMMENDATION– -(SPONSORED BY MR. HERTZBERG)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The one negative recommendation bill that was read, is 2681, in relation to Councilman Hertzberg's proposal on the pool increases. Calling on Councilman Hertzberg as the bill sponsor.

Mr. Hertzberg:

Thank you, Mr. President. I first ask that my comments be brought forward from the Standing Committees Meeting.

(REMARKS–SEE ADDENDUM)

Mr. Hertzberg:

The bill in front of you proposes to double the fees that are currently in place. As a result, a family of four would pay $40.00 for the season for use of the City's swimming pools, which for the average family of four, would then be $10.00 per person. The legislation also creates a discount situation for Low Income people. The current legislation has those that are in the Low Income category receiving pool passes for free. This legislation proposes a 50 percent

discount. And, the final item in this legislation is daily admission pools. Currently there are two daily admission pools, one at Schenley, one at Sue Murray. The proposal is to add four more, one at Highland Park, one at Moore Park, one at Riverview and one at Westwood Pool.

(Discussion)

Mr. Udin:

Point of order.

The Chair:

Councilman Udin, point of order.

Mr. Udin:

I would like to know when it's appropriate for an amendment?

The Chair:

Well, unfortunately, amendments have to be in writing, or you can ask that the Committee Rules be waived, in this instance, which we've done in the past.

Mr. Udin:

Well, the purpose that I rise for an amendment is -- and I would hope that my Council colleagues would support a Rule waiving, so that an amendment could be made that will allow poor people to continue access to the swimming pools.

My intention is to, rather than to provide a 50 percent discount upon proof of Low Income status, is to provide an exemption for families who are just too poor and whose families are too large, and for whom this fee would exempt would exclude them from swimming pools.

So, my intention is to change the language of 50 percent to an exemption, and if it's in order, then I would move for a waiving of the Rules that would allow for an oral amendment.

The Chair:

Well, a motion has been made to suspend the Council Rules for purposes of offering an amendment that is not specifically in writing.

Mr. Ricciardi:

As a courtesy to Mr. Udin, I'll second that amendment.

The Chair:

It's second.

So, we're only discussing right now, from a Robert's Rules of Order point of view, suspending the Rules in order to allow Councilman Udin to offer an amendment, albeit an amendment that is not specifically in writing and on our table.

Any discussion, just on the procedural issue? All in favor of this allowance? Opposed?
WHICH MOTION PREVAILED.

The Chair:

Motion carries. I'll recognize Councilman Udin, we'll go back to Mr. Cusick, then Mr. Hertzberg.

Mr. Udin:

I would move that we change the language on the second page of the amendment, top paragraph, to read, the Director of the Department of Parks and Recreation is directed to develop a plan to permit residents of the City of Pittsburgh full exemption with such proof of Low Income status as specified by the Director, and to delete the words, "a 50 percent discount".

The Chair:

Is there a second on this amendment which has been offered? Is there a second to this amendment? The Chair is supportive but the Chair cannot make a second.

MS. McDONALD seconded the motion.

The Chair:

Councilwoman McDonald has seconded for purposes of discussion. Councilman Udin, do you want to further clarify, or do you prefer to defer?

Mr. Udin:

Only to reiterate the consideration of the impact of this fee on poor, large families. It will not be a question of choice, it will be a question of exclusion, and I think that since we are requiring that people show proof of low income, and I think that my discussions with Mr. Hertzberg indicated that we're really talking about actual proof of being on Welfare or being without work, et cetera, for people who are at that level, I think it's clear that they would not otherwise be able to afford a Family Pass for these swimming pools and an exemption I think would be in order.

Mr. Onorato:

Discussion.

The Chair:

Discussion, specifically on the amendment. Councilman Onorato.

(Discussion)

The Chair:

If there's no other discussion, let's have roll call vote, just on the proposed amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Udin	Mr. Ferlo (Pres't)

AYES 2 NOES 6

VOTING NO:

Mr. Cohen	Ms. McDonald
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

The amendment fails. Back to the bill. Any other discussion?

Councilman Cusick and then we'll end with Councilman Hertzberg.

(Discussion)

The Chair:

Roll call vote on Councilman Hertzberg's proposal, Bill 2681.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	

AYES 5 NOES 3

VOTING NO:

Mr. Cohen	Mr. Ferlo
Mr. Udin	(Pres't)

The bill having received the legally required number of votes passed finally.

The Chair:

Thank you for your patience during the discussion. The remaining bill.

Also, with an affirmative recommendation,

Bill No. 2708

A Resolution entitled, "Resolution authorizing and directing the Director of Parks and Recreation to enter into a contract for the provision of vending machines at the swimming pools.— **(SPONSORED BY MR. HERTZBERG)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Now, that concludes our Reports of Committees. Moving to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

The Chair:

Councilman Cusick.

Mr. Cusick:

Mr. President, I won't keep us real long. Real quick. In regards to Tax Amnesty, I've been working closely with the Finance Department, the Solicitor's Office on this issue, we're in agreement that there could be up to 5 million dollars or more could be collected, in addition, that have been non-reporters in the past, will be permanently added to the tax roles, increasing our tax base.

According to the Solicitor's Office, we need the Legislation to amend the State Code to allow us to offer a program for taxes. Other than Earned Income, as well as the increase the penalty to 15 percent for those who do not participate. Therefore, I'm requesting that Council send a letter to our State Delegation requesting a change in the State Tax Code, and also a letter to the School Board requesting the participation in the program.

Mr. President, I've given you the Tax Amnesty Fact Sheet of some sort. Basically, if Council were to consider in that Amnesty Program, after the Code had been changed, we could do so. My hopes are that we would mirror the State's Amnesty Program, and there are a number of different facts that I have given each Member of Council, does not forgives tax owed, or the tax accumulated on tax due, only forgives the penalty amount, if delinquent, and non-reporters come forward during an Amnesty period.

The first week that the State had their Amnesty Program, up to a million dollars were collected. If they don't come forward within 60 to 90 days of the Amnesty period, a one-time penalty – 15 percent penalty is accessed on tax due.

Request is for all taxes except Real Estate. As you noticed in the 1996 Budget, there are additional funds and they're coming from because the liens have been sold, and from what I gather, at a hundred percent.

Amnesty will not be available to those who are currently on payment plans or taxes due for previous years.

Non-reporters that come forward will be permanently added to the tax role, increasing our tax base.

Fifteen to 25 percent is not spent on collection agencies, which will not fine non-reporters.

And, again, this worked out for the State. They sent out a blanket letter and a number of people had come forward. I know the situation and a lot of our union members are involved. They'll be working out in some small township and it's the local tax for the City is not collected. And, it comes down to, they may work six months, it comes to the end of the year, they not only owe local taxes on their income – their unemployment, but they owe local taxes because it hasn't been collected. They may have only worked six months of the year and it becomes real difficult. And, for that reason, a lot of these people ignore to pay their taxes and they're eventually dropped from the tax roles.

I think that we're giving people an opportunity to come clean. I hope that my colleagues would consider supporting this, and this is only to send a letter to the State asking them to –

The Chair:

Well, can I offer a point of procedure just on this point, Councilman. Since we have five Members of the nine at this point, and it is somewhat controversial, I think it would be helpful if we had something in writing as to what you're asking us

to convey to the School Board and to the State Legislative Delegation, and maybe we can debate this at the next meeting. Or if you're offering a motion, we need a motion, that is.

Mr. Cusick:

Seems to me that it would be kind of dumb at this point to offer a motion, seeing that you're already asking for information.

I think you know what the program is and I think that most of the Council Members of Council does. I mean all you have to do is watch what the State and saw what the State did. It's no more than that.

The Chair:

I know a number of us have expressed our opposition and concerns about that, too, you know.

Mr. Cusick:

And, I appreciate that, too.

The Chair:

If we could get something in writing, maybe we could –

Mr. Cusick:

I will hold this until next week, until we can get a number of Members that will hopefully support this measure.

The Chair:

Very good. Thank you very much.

Hearing no other matter, motion to excuse the absent Member, to approve the Minutes and to adjourn.

Mr. Onorato:

So moved.

MR. CUSICK seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of MR. ONORATO

Council

adjourned.

(BEGINNING - MESSRS. HERTZBERG AND ONORATO'S COMMENTS ON BILL NO. 2679 AND 2681, WEDNESDAY, NOVEMBER 29, 1995)

Mr. Hertzberg:

Thank you, Mr. Chairman. I've distributed some material on both bills and I would begin by questioning why we're here at all on the issue of closing pools also this late hour. It is unfortunate that we have to be debating this topic and I really think it's unnecessary. I think everyone's questions earlier on the issues of things like the millions being sent on Downtown projects and then looking at cutting pools is not something that we should have ever had to have got into but we are. The proposal was put out and there is also – first Mr. Cohen's proposal and my first thoughts were, well what the heck, it's just something calling for a report. It doesn't in itself do anything but the big problem I have with that is Parks and Recreation. Parks and Recreation even before we talk about the proposed cuts is done to the bone. I've said it over and over again. I firmly believe it. I hardly know anyone working in that department that works a regular 40 hour week. They're down to the bone. I'm not going to vote for anything that gives them more work. Particularly, when I think it's going to be futile. I've handed out some material and the materials I handed out concerning privatization were given to me by AFSCME, the union that represents many of our employees and one of the materials it's called the limits of privatization. In essay, it's published by the Economic Policy Institute of Washington D. C., it's by Princeton University Professor Paul Star and a couple of his comments and I think they're very applicable, some supporters tout privatization as a sovereign cure virtually all ailments of the body politic. The illusory appeal of privatization is to provide a single solution for many complex problems.

Privatization is a good idea sometimes, it's a bad idea sometimes. Here I think to me there doesn't have to be much more done to say that it's a bad idea. Swimming pool operation is something that's rarely, if ever, a profitable operation. I've attached some materials from some of the pools in our area I think are comparable out in the South Hills areas, two of them YMCA's. One of them run basically by the community as a membership organization, non-profit and their fees are $300.00 to $400.00 a year. If we look at the City numbers and I'm not going to go through them all at this point in time. We'll have an opportunity to do that during budget discussions but if we look at the number of people buying passes and the number of people going to all of our pools, to go out and subcontract these pools out or to do anything else, for anybody to be able to break even on it, we're going to be down to a minimum number of pools. Only those pools that are drawing the largest numbers of people and one of the other things when you want to privatize that everyone says is you're going to achieve greater efficiencies and the profit motive and all that kind of thing, generally there is a lot of prejudice against public employees that they are all loafers, none of them are efficient. You know the fact of the matter is we have the Controller's study before us that says basically the pool operation on a whole is doing an excellent job in this city. We also have before us the legislation that would increase the fees, pool fees, doubling them to a total figure of $40.00 per season for a family of four and we've also had in front of us some other legislation and

I've set forth in front of you some conservative estimates on revenues not previously included in the Mayor's budget figures that are real numbers. They're not hocus-pocus dollars that we've made up. In front of you earlier today we had the discussion on the municipal claims certificates and we're estimating 7,000 of those will be acquired next year with an additional $25.00 per certificate and that's based on the past and it's not a high estimate, it's in fact, a low estimate which would give us $175,000. The pool fee increase, using a very conservative formula, would result in an increase of $151,000 and I had to be particularly conservative on that because this legislation does call for those in low income positions to pay fees now. Currently, there is a waiver for those in low-income categories. The proposed legislation would have everyone paying something but a 50 percent discount to low-income people.

The wood contractors, our City Controller judiciously found out that we were being provided a different grade of wood than we were being paid. Restitution's been ordered and expected short – very early in the year in 1996, $169,000. Finally the vending machine legislation we just had preliminary votes on currently there are no vending machines in the swimming pools. This is another minimal overhead item for the City, a very conservative estimate of what we would gain would be $5,000. This is a good item, in my mind, to contract out. We have a lot of people in the vending machine business, I think, we could put it out to bid and just see who gives us the best offer on the vending machines in the swimming pools and I think a conservative estimate of what we can get out of that contract would be $5,000 and I think some of the material that's been put out from across the hall – again, it's apples and oranges. We have figures like what other cities have, how many pools they have, how many they have per capita and incidentally I don't know that we're that much far off of places like Cleveland and some of the other places but the thing that's not being considered here is what are those pools in those other places. Are they wave pools or are they the typical pool we have here in the city? The word that I get is most of the cities with these lower numbers of pools had, at one point, a lot of neighborhood pools but what they did is as they abolished those neighborhood pools, they put in modern facilities, large facilities that drew people in and there is no proposal like that on the table and I don't think we can put one on the table.

The Chair:

That's on Bill No. 2679. All in favor? One opposed. Opposed? One. The bill is amended. The amendment passed. Bill No. 2679 as amended is on the table with 2681. If there is no objection, Councilman Hertzberg the other sponsor of the other bill, if we could wrap this up and call votes separately on each bill.

Mr. Hertzberg:

Yes. Thank you. We will do that and you have to pardon me but I bring to this table a background in swimming pools having lived at a swimming pool more than I lived at my house in my earlier years, I bring to this table a bachelor of arts degree in economics, I bring to this table some background in operating small businesses and quite

frankly I don't see how the hell this could ever work and that's why I'm voting no. A $1.2 million operation of 32 pools that now generates $200,000 how you're going to continue to do that at the current costs, it just makes no sense and I cannot in good conscience vote, I cannot in good conscience put forth to the public that this is going to save our pools. It just can't. It's not going to do it. It's going to close pools. If that's what we have to do, that's what we have to do. I'm not ready to do it. We don't have a plan on the boards in front of us to make new pools. Right now the best we can do is try to raise the funds that I'm proposing to raise to do that and that's what we'll have to do for a stop gap measure. If the Administration or anyone else wants to come forward with a new plan to phase out pools and replace them with the ones that are elsewhere and that's the wisdom of the general public, that's fine but I don't see anything happening in the area of privatization on these pools. The numbers just don't work.

The Chair:

As a point of procedure. I haven't done this ever before but I'm going to do it now, I'm going to cut off debate only because we're required by law to start this public hearing at 2:30 p.m. We want to take a 5 minute break before we start it at least so I am going to call for a roll call vote on both bills. We still have the Monday discussion of the Parks and Recreation. Deputy Mayor, we appreciate it, sorry we didn't have more time but we'll see you Monday with the Director.

Roll call vote on Bill No. 2679 which is Councilman Cohen, Cusick and McDonald's bill regarding the possibility of private management.

ROLL CALL

Mr. Cohen:

Aye.

Mr. Cusick:

Aye.

Mr. Ferlo:

Aye.

Mr. Hertzberg:

No.

Ms. McDonald:

Aye.

Mr. O'Connor:

Aye.

Mr. Ricciardi:

No.

Mr. Udin:

No.

Mr. Onorato:

Aye.

AYES 6 NOES 3.

The Chair:

Roll call vote on Bill No. 2681. This is regarding Councilman Hertzberg's proposed fee changes at the pool.

ROLL CALL

Mr. Cohen:

No.

Mr. Cusick:

No.

Mr. Ferlo:

No.

Mr. Hertzberg:

Aye.

Ms. McDonald:

Abstain.

Mr. O'Connor:

Aye.

Mr. Ricciardi:

Aye.

Mr. Udin:

No.

Mr. Onorato:

Aye.

AYES 4 NOES 4 ABSTAIN 1.
NEGATIVE RECOMMENDATION

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *December 12, 1995* *No. 48*

Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, December 12, 1995

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. Onorato	**(Pres't)**

The Chair:

Good morning, everyone. We have a number of guests in the audience today. This is City Council's Legislative Session.

Would you all please rise for the Pledge of Allegiance and would you please remain and standing for a moment silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a young woman here, Tyreana Barrow. She's in the Fourth Grade and she goes to Horace Mann Elementary School in District Number One, Councilman Onorato's District. And I know her teacher is here, Ms. Darlene Oparanozie, and I apologize for not saying it correctly.

Tyreana Barrow:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Tyreana, our City Clerk would like to present you with the flag of our great nation and the flag of our City and we would like to thank you and your teacher for coming down here this morning.

I also would like to welcome the other students that are here this morning. Good morning, and thank you for participating in the session today.

PRESENTATIONS

The Chair:

We have a number of guests in the audience today and at this time I would like to call on Councilman Cusick.

Mr. Cusick:

Thank you, Mr. President.

The Chair:

Thank you, Mr. Cusick.

Mr. Cusick:

I would like to ask the students from West Liberty Classical Academy to come up.

We are very honored today to have a number of students that recently participated in an election, the first election at the West Liberty Classical Academy. West Liberty is a new middle school in the South Hills in the Brookline area and myself, Councilwoman McDonald had the opportunity to go speak to these students in regards to the importance of voting and they were very well behaved and well-mannered and just welcomed Councilwoman McDonald and myself so warmly that I had thought it would be a nice opportunity for us to invite them down and see just how our legislative process works and to commend them for participating in a very important election on their student body and to encourage them to continue to vote and to participate in their community activity in school and away from school.

MR. CUSICK PRESENTS

No. 2765 WHEREAS, the West Liberty Classical Academy was founded in 1995 as a magnet middle school for computer science and academic excellence; and,

WHEREAS, on . Monday, November 20, 1995 Councilpersons Cusick and McDonald were invited to speak to the students regarding the importance of voting; and,

WHEREAS, on Monday, November 20, 1995 the first student elections were held for West Liberty's Student Council; and,

WHEREAS, the candidates included Brentin Cottrell, Laisha Johnson, Chase Patterson and Phelan Barreiro for President; Shandia Booker, Brad Davis and Curtis Jones for Vice President; Erika Brown and Jamie Johnson for Secretary; and,

WHEREAS, after a tireless campaign, three candidates prevailed: Chase Patterson for President, Curtis Johnson for Vice-President, Erika Brown for Secretary.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize and congratulate the participants and newly elected Student Council of West Liberty Classical Academy.

SPONSORED BY COUNCILMAN JOE CUSICK AND COUNCILWOMAN VALERIE A. McDONALD

MR. CUSICK moved to adopt the resolution.
MS. McDONALD seconded the motion.

Which motion prevailed.
Mr. Cusick:

They in some way have made history, because this is the first body of West Liberty Classical Academy and we're very proud of these students.

I would like to give the President of the newly elected Student Council, Chase Patterson, a chance to come up and just say a few words.

Chase Patterson:

Well, first of all, I would just like to say thank you and everyone at West Liberty would like to also say thank you for Ms. McDonald and Mr. Cusick coming and participating in our student body election and thank you also for letting us sit in on your meeting, and thanks.

Mr. Cusick:

Ms. Farrell is from West Liberty Classical and head of the Student Council. If you would. Ms. Farrell, tell about what the students were doing and how this all came about.

Ms. Farrell:

As the sponsor for the first Student Council at West Liberty, so far this year we have done campaigning for the Student Council election, we held our elections, we've also done a Can Food Drive and we are now in the process of organizing a Christmas Caroling project for Pioneer Education Center for Christmas time.

The Chair:

Very good.

Mr. Cusick:

Thank you. Let me just tell you, I think my colleagues would have been real impressed to have went up there and they had signs and they gave great speeches and really went all out for this and I just hope they continue in the future and realize how important it is to vote. Thank you very much.

The Chair:

Did you win the election? Very good.

Mr. Cusick:

Listen you took your spot and you fit right in. You should have saw Chase up at Jimmy's pulpit there.

The Chair:

This is a lector, not a pulpit.

Mr. Cusick:

It depends on how you use it, Jim. It's a pulpit with Jim.

Bill Burke. Project Blue Light. Participants of Project Blue Light, would you please come forward.

We're very honored to have several guests with us. Ray McNowski, Eric Schuller, Linda Schuller, Bill Burke, Ed Lackey, a police officer from the Plum Borough area, and a guy that is no stranger to these Chambers, a retired Lieutenant, John McMahon.

I would like to read the proclamation now.
MR. CUSICK PRESENTS

No. 2766 WHEREAS, Project Blue Light is a special event that originated in Baltimore several years ago to give the public the opportunity to remember and honor law enforcement officers everywhere who have made the ultimate sacrifice by losing their lives in the line of duty and those officers who have been maimed and disabled, often ending their career; and,

WHEREAS, Project Blue Light asks for Pittsburgh residents to display a blue light in their window in support of those courageous public servants and their families who have lost their lives and those officers who continue to protect our neighborhoods in these troubled times; and,

WHEREAS, The Fraternal Order of Police Auxiliary, The County of Allegheny Law Enforcement Officers Memorial and especially retired Pittsburgh Police Sergeant Bill Burke of Carrick, brought the project to Pittsburgh in 1992.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby give recognition to Project Blue Light and it's organizers and encourages all residents of the City of Pittsburgh and Allegheny County to participate in Project Blue Light by displaying a blue light in their window in memory of all fallen officers, their families and all officers who risk their lives every day.

SPONSORED BY COUNCILMAN JOE CUSICK AND COUNCILMAN DAN COHEN

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cusick:

I also have with us today, is Bill Burke, he's from my district, and I am very honored to have him down here today. As the resolution states, Bill brought this to Pittsburgh in 1992, and it has become just a great program here in Pittsburgh.

But, before I do that, this is co-sponsored by my colleague, Councilman Dan Onorato, and I wanted to give Dan an opportunity to come up and – Dan Cohen, I'm sorry – please, Dan. And, I am sure all Council will sponsor this. Dan Cohen, if you would please come up and just give us a few words on behalf of the Department of Public Safety and being the Chair of that Department.

Mr. Cohen:

Thank you. I get all these Dans mixed up, too.

Well, I just want to say thank you, Councilman, and thank you for initiating this resolution. Operation Blue Light is just a fantastic program and it is one that shows recognition and support for our police officers. I've been out in the neighborhoods a lot lately and I have seen a lot of blue lights already, and every time I see one I, know this is a house that supports our Pittsburgh Police and supports those who are out on the streets every day fighting to protect our families and our children. And, I just want to congratulate, especially you, the leaders. Mr. McMahon, it's just a pleasure to have you down here, you have done so much to

spread the word about police, through the newspaper and through your personal words, and I am not sure there's any single individual who has done that as well as you have. And, Bill Burke, obviously, for the police memorial and all the good work that you have done, and everybody else who is down here, it is just a pleasure to have you down here and thank you for supporting this program.

Mr. Cusick:

We're going to give a guy that has been in this Council Chambers for a number, number of years and has really participated in police activities and police organizations for a number of years. He is the editor of the F.O.P. paper, he's a former Lieutenant with the Pittsburgh Police Department and someone that is a very dear and close friend of myself and my family. And, Lieutenant John McNamara.

John McMahon:

John McMahon.

Mr. Cusick:

McMahon. McMahon. I'm messing this all up today. McNamara. Please.

Mr. McMahon:

This is an honor that I never expected but I think and I know I am among friends because there's quiet a few of you, we're on a first name basis. But, I can't take any credit away from Bill Burke because he's the man, he's the man that was the match that lit the fire, otherwise we would be nothing. Thank you for asking me to speak and thank God for letting me be here.

The Chair:

Councilman O'Connor.

Mr. Cusick:

Before we would do that, I would like to give Mr. Burke an opportunity to come and present him with this plaque because he does so much work for the F.O.P. and for all the police officers.

Mr. Burke:

I just want to thank Council and Joe for this resolution. Again, the Blue Light is something special for all law enforcement when they see it in the community, it shoes that they do have the support of the community and especially in these trying times. And, with this resolution we will make sure had that our are survivors and all our members of the Auxiliary know how well Council is doing for is.

John mentioned that I was the match but John was the guy that picked the -- the leader. He told me on the way back from Washington one day that we could get started on this and he'll do the writing if I do the leading, and without John and his magic pen we wouldn't be where we're at today.

Again, thank you, Council, for what you have done, and have a happy holiday.

Mr. Cusick:

Just one last call. I know Bill like me to just mention this to all Members of the Council that he is asking for our support and we have given it to him in the past in regards to the police memorial. So, try to remember in this budget period, and thank you.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I was just going to ask, Bill, where do you get a blue light, did you explain, is there a number to call, or where we can pick them up?

Mr. Burke:

What it is --

Mr. O'Connor:

Or just any blue light?

Mr. Burke:

Any blue light. What we do, we ask people -- they have these white lights in the window, and all we do is ask them to take one white light out and put a blue bulb in it, and this way law enforcement people understand that they have their support. Thrift Drug and them have them for and ninety-ninety cents for a single --

Mr. O'Connor:

Christmas lights, put them up for the season.

Mr. Burke:

For the season. Or, what a lot of people do is they keep it all year around and it just shows support all year around for it. Thanks.

The Chair:

Well, I hope you convey the F.O.P. our concerns about the residency requirement, also, speaking of support.

Mr. O'Connor:

These guys are all -- they're all City guys here.

The Chair:

Councilman Cusick, do you have another proclamation with Councilwoman McDonald, or was that the earlier one for the students?

Mr. Cusick:

No, that was the earlier one.

The Chair:

Thank you. Councilman Bob O'Connor, get him up here for his proclamation. To be read into the record.

MR. O'CONNOR PRESENTS

No. 2767 WHEREAS, both the Greenfield Football and Cheerleading Organizations have provided the Greenfield community with a strong sense of belonging, pride and been the basis for long lasting friendships. The organizations have also given both the football players and cheerleaders lessons in sportsmanship, showmanship and

dedication to the sports and the Greenfield community;

WHEREAS, the members of the Greenfield Football and Cheerleader Organizations, through their determination and dedication to their children, to their school and to their community, have lent to the spirit of healthy competition, while providing their children with the opportunity to develop crucial skills that can be carried with them throughout their lives;

WHEREAS, the Greenfield Football Organization's undefeated 1995 season has crowned them South Western Pennsylvania's Midget Football League Champions. Their success would not have been possible without contributions from the following players, cheerleaders and coaches:

PLAYERS

Daniel Bose	Jawan Coachman
Jamaal Davis	Nello Defelice
Justin Foster	Lamar Griffith
Kevin Hanley	Duane Hardy
Antoine Hayes	Jamaal Hinton
Car Holiday	Adonis Moye'
Sherman Moye'	James Neal
Mario Parker	John Rosato
Tim Rush	Anthony Sciulli
Stephen Sengstacke	Dave Shuster
Jim Smith	Andy Tenney
Bill Tenney	Jack Welsh
Michael Zydel	

CHEERLEADERS

Danielle Brown	Georgia Cardamone
Regina Coyne	Nicole Cronin
Jennifer Harvey	Cara Freiz
Brenna Jaworski	Dana Kelly
Katie Napoleon	Nicole Pavasko
Kasey Wright	Kelly Wright

COACHES

Allison Brown	Missy Brown
Micheal Chichwak	Tim DeGore
Pat Knipp	Steve Mescan
Blaze Moye'	Gene O'Connell
Nicole Sunseri	

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, congratulates the football players and cheerleaders for their exceptional talents and their winning spirit that has been evident throughout the season, making them fine representatives of both Greenfield and today's youth. Furthermore, the Council of the City of Pittsburgh commends the coaches, officers, parents and volunteers who have selflessly donated their time and efforts to keep the Greenfield Football Organization running strong;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Friday, December 8, 1995, as "Greenfield Football and Cheerleader Day" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.
Which motion prevailed.

The Chair:

Thank you. Councilman Onorato, do you have one to be read into the record?

Mr. Onorato:

Yes, Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTS

No. 2768 WHEREAS, the Duquesne University Tamburitzans is the oldest American folk ensemble dedicated to performing and preserving the cultures of Eastern Europe; and,

WHEREAS, with the turmoil and homogenization of so many cultures throughout the world today, it is a noble tradition that must and should continue; and,

WHEREAS, the Tamburitzans present material from ethnographic regions. Costumes, songs, dances, instruments, and customs are representative of folkloric cultures - past and/or present-day; and,

WHEREAS, The Friends of Duquesne University Tamburitzans is an organization that supports the ensemble and increases awareness of the talent and zest that Tammie shows convey; and

,

WHEREAS, The Friends of the Tamburitzans are sponsoring a holiday performance of the Tammies at Carnegie Music Hall on Saturday, December 30th; and,

WHEREAS, all profits of the December 30th performance will go toward the Scholarship Fund of the Tamburitzans, to help all talented students have a chance to participate in the ensemble; and,

WHEREAS, the special holiday performance will add colorful and warm memories to the holidays, as well as help the Tammie students raise funds for scholarships.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends both the Duquesne University Tamburitzans and the Friends of the Duquesne University Tamburitzans for their work in keeping our ethnic cultural traditions alive and wishes the Tammies success for their Gala Benefit Concert.

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. That concludes our Read and Adopted. Moving to Presentation of Papers.

MR. HERTZBERG PRESENTED

No. 2769 Resolution transferring the amount of $1,600.00 from Account 1001-1 (100115), Miscellaneous Services, Supplies, Equipment, etc., of Council, to Code Account 1001-2, (100123), Salaries, Wages and Services of Council.—**(SPONSORED BY ALAN HERTZBERG)**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2770 An Ordinance amending the Pittsburgh Code, Title Five, Traffic, Article VII, Parking, Chapter 541, General Parking Regulations, Section 541.07, by adjusting the specific fine for violation of 541.01 (c)(4) for street cleaning violations.—**(SPONSORED BY MR. HERTZBERG)**

Also,

No. 2771 An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 777, Amusement Devices, by making changes to Section 777.05(a)(b)(d)(f).— **(SPONSORED BY MR. HERTZBERG AND MR. ONORATO)**

Which were read and referred to the Committee on Public Safety Services.

Also,

No. 2772 Resolution establishing a schedule of fees for rental of buildings, ball fields, shelters, picnic facilities and other facilities in the parks.— **(SPONSORED BY ALAN HERTZBERG)**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

Also,

No. 2773 Resolution establishing a schedule of fees for rental of the Schenley Park Rink, the Skating Rink's Meeting Room and Recreation and Senior Citizen Center. —**(SPONSORED BY ALAN HERTZBERG)**

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MS. McDONALD PRESENTED

No. 2774 Resolution authorizing a Cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer to the Authority of an amount not to exceed $50,000 for economic development activities. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**

Which was read and referred to the Committee on Finance and Budget.

Also,

No. 2775 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 18th Ward of the City of Pittsburgh being designated as Block and Lot 14-A-324, under the Industrial Land Reserve Fund. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**

Also,

No. 2776 Resolution approving execution of a Disposition Contract by and between URA and George R. and Janice McCollum for the sale of Block 14-A, Lot 324, in the 18th Ward of the City of Pittsburgh for $500.00 – Industrial Land Reserve Fund (parking). **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO PRESENTED

No. 2778 Resolution providing for the transfer from Code Account 53-1, Stadium Authority Debt Service, Non-Departmental, to Code Account 57, Social Security, Non-Departmental, the amount of $150,000.

Also,

No. 2779 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes, from 1995 to 1996.

Also,

No. 2780 Resolution providing for the issuance of a warrant in the sum of $5,000 to Dale C. Dutkowsky c/o J. Kerrington Lewis, Esquire, 1040 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of the action filed at GD93-2008, alleging personal injury sustained due to a slip and fall on South Evaline Street on or about March 20, 1991.

Also,

No. 2781 Resolution providing for the issuance of a $2,219.00 warrant in favor of Jeffrey A. Scott in settlement of property damage caused by sewer back up.

Also,

No. 2782 Resolution providing for the issuance of a $2,800.00 warrant in favor of Craig and Carmelita Korbett in settlement of property damage caused by sewer back up.

Also,

No. 2783 Resolution providing for the issuance of a $2,500.00 warrant in favor of Rudy Sukal, Jr., in settlement of property damage caused by sewer back up.

Also,

No. 2784 Resolution further amending Resolution No. 911, effective September 11, 1992, as amended, by Resolution No. 1013, effective December 31, 1994, entitled, "Resolution authorizing and directing the Mayor to enter into an agreement or agreements for drug treatment services in connection with the City's Operation Weed and Seed Program, in a total amount not to exceed $850,000" by increasing the total amount to $1,200,000.

Also,

No. 2785 Resolution further amending Resolution 170 of 1990, to authorize an agreement with a collection agency for professional services in connection with the collection of delinquent charges, taxes, fines, sewage charges, interest and penalties owed to the City of Pittsburgh on an annual basis at a cost not to exceed $250,000 per year, subject to annual budget appropriation, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance.

Also,

No. 2786 Resolution designating banks and lending institutions to act as depositories for the year 1996 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.

Also,

No. 2787 Resolution repealing resolutions approved on various dates authorizing the sale of properties in various wards of the City of Pittsburgh in accordance with Act No. 171 of 1984.

Also,

No. 2788 Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, to the Urban Redevelopment Authority.

Also,

No. 2789 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

Also,

No. 2790 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED

No. 2791 Resolution amending Resolution No. 162, approved March 22, 1995, entitled, "Resolution providing for an agreement or agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $97,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning" by deleting South Oakland Citizens Council $3,000, and adding Oakland Planning and Development for $3,000.00.—**(SPONSORED BY GENE RICCIARDI)**

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

Also,

No. 2792 Resolution granting unto Charles D. Thomas, 1 Bailey Avenue, Pittsburgh, Pennsylvania, 15211, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicap ramp on a portion of the right-of-way at 1 Bailey Avenue in the 18th Ward, 2nd Council District of the City of Pittsburgh.

Also,

No. 2793 Resolution granting unto the Lincoln Property Company, 35 Highland Road, Suite 1104, Bethel Park, Pennsylvania, 15102, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, for installation of a private sanitary sewer and one manhole in the right-of-way of River avenue Extension in the 23rd Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 2794 Resolution granting unto Goodwill Industries of Pittsburgh, South Side Retail Store, 2700 East Carson Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, twenty-nine (29) caissons which serve to support the structure on a portion of the right-of-way along Carey Way, South 27th Street and East Carson Street in the 16th Ward, 3rd Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

THE CHAIR PRESENTED

No. 2795 An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 777, Amusement Devices, by making changes to Section 777.05(d).—**(SPONSORED BY MR FERLO)**

Which was read and referred to the Committee on Public Safety Services.

Also,

No. 2796 Resolution authorizing and directing the Director of Finance and the City Controller to establish the "Minority Business Enterprise, Women's Business Enterprise Disparity Study Trust Fund" in a City depository and establish certain funding and

disbursement guidelines. **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**

Also,

No. 2797 Resolution authorizing and directing the Treasurer to deposit $250,000 into the "Minority Business Enterprise/Women's Business Enterprise Disparity Study Trust Fund (MBE/WBEDSTF) . **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**

Which were read and referred to the Committee on Finance and Budget.

Also,

No. 2798 Resolution authorizing and directing the Director of General Services to hire a consultant to conduct a disparity study documenting discrimination in City contracting against minority and women owned businesses. **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**

Which was read and referred to the Committee on Lands, Buildings and Procurement.

Also,

No 2799 Resolution authorizing the establishment of the Disparity Study and Implementation Commission. **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**

Also,

No. 2800 Resolution providing for the filing of a petition for the sale of certain property/ies, acquired at tax sale in accordance with Act 171 of 1984, Second Class City Treasurer Sale and collection Act, that property designated as Block and Lot 80-H-14, 5160 Natrona Way, 10th Ward, Council District 7.— **(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Finance and Budget.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

The earlier motion, just to clarify, waived all bills. So, unless somebody has an objection, we are just going to waive all bills. Let's just get a clarification. Councilman Hertzberg.

Mr. Hertzberg:

The point is, I think, that the reality of the situation is, I think the final meeting is solely designated for some kind of veto from the Mayor on anything that we would pass. And, I mean I'm not – just so people understand that, that's why I suggested we waive Rule 8 for anything, because I think – hopefully that won't happen.

The Chair:

I believe we have one more Standing Committee Meeting, though, however, but your point is well taken. And, I think a lot of the bills that are being introduced today are revenue or financial in nature. I know your bills, the bills that I am introducing, along with some of my colleagues, I believe Mr. O'Connor's bill, share the bills that Mr. Onorato has. So, I think on a practical matter, we'll bring all bills up, unless there's a strong objection.

Mr. Onorato:

No, just to express the concern that I remember last year what happened, the Committee Session where we have the budget discussion lasted seven hours; if for some reason that happens again, we'll waive all the rules, we can always hold them for weeks. So, if we run into that problem we can deal with it tomorrow.

The Chair:

Very good. So, bills are waived.

The Chair:

Those bills will be up for discussion. The Disparity Study bills are co-sponsored by Councilman Udin and Ms. McDonald.

The Chair:

That concludes our Presentation of Papers. Moving to Unfinished Business or any matters to be brought before the body of a Report of a Special Committee? Hearing none, moving to the Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Beginning with Committee on Finance and the Budget, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

I believe everyone has received a copy of the addendum of the actual maps that were mentioned in Bill 2601.

MR. ONORATO PRESENTED

Bill No. 2801

Report of the Committee on Finance and Budget for December 6, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2601

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Seven -- Business Licensing, Article III - Sales Business, Chapter 719 - Vendors and Peddlers, Section 719.05 - Use of Streets."—(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Onorato:

Yes, Mr. President. On Bill 2601, that's the first bill, regarding the three facilities, the stadium, the civic arena and the Convention Center and dealing with the vendors and the areas that the license

covers, I want my comments brought forward from last week.

(REMARKS--SEE ADDENDUM)

Mr. Onorato:

And, I want to make a few brief statements this week, and everyone does have a copy of the footprints of all three facilities in front of them, highlighted in pink is the property line, except for the Convention Center, it's in the thick black line. But, all three of them should be in front of you.

As we stated last week, unfortunately, with the economics of the baseball, football and all major league sports, things are changing and there are some decisions that have to be made of how we're going to control the property, going into the finances, that probably are not the most ideal situation but it is the reality of a way sports are being funded nowadays.

I think the other issue is also getting control of the property right, in my opinion, to maximize the private sector dollars, dealing with concession rights in and around the stadium, on stadium or any facility's property. I keep on stressing and pointing to the example, the only example I know at this point is the Camden Yards, where they sold the concession rights for 23 million dollars to the private sector. I can't really give a number of what that would translate into Pittsburgh terms, or how much we could possibly sell it for, but everyone knows we're talking about building a new stadium for baseball, we're going to deal with the Steelers, with the old arena here, with Three Rivers, who knows what it's going to look like and what it is going to be worth in the private sector, but obviously it's going to be worth more if we have control over it.

At the same time we're trying to keep the festival atmosphere outside of these arenas, provide opportunities for everyone, and still keep the controlled vote of how many and the financial control, which is vital to all of these franchises.

If you look at the map in front of you, and a lot of you also received a letter from a Mr. -- from a Ziggy Treats, from John Brown, Jim Sweeney, Eric Strauser, who were expressing their concerns and their suggestions. I have a letter also in front of me. Ever since we -- this had a preliminary vote last week, I've been dealing with the board that I sit on, that's the Stadium Authority Board, trying to work out how we're going to handle this, if it passes, dealing with the authorities and the management companies, and I've been dealing with -- like I said, on my board that I'm on, and I don't have any specifics yet, but the discussions have taken place, I know that the management company at the Stadium Authority has meant, with several of the vendors, one, since the vote and they're trying to work out a deal.

But, I do want to point out that -- an interesting point was brought out to me, and that is, with the peanut vendors here, this particular letter, the individual, or the company, has four locations currently, before this was passed, and if this passes, three of the four locations are still okay, only one of them are affected, and obviously that is the one on the ramps. But, the other ones, if you will look at your map, are mainly the North Side sites. You see the Allegheny River, it's the opposite end of the page, where it is the

thinnest part from the stadium. All that flat area under the highway, the tunnel, by the Clark Building, that's all fair game, that's all off of the stadium property, there's plenty of room, and obviously he has -- three out of the four sites are on these properties already, he and anyone else that wants to sell. So, there is room for them. And, in decision there's going to be an option, or there's going to be some dealing with the Stadium Authority for activity on the property. I am not at liberty to give some of the names that are currently in negotiations because they're sensitive, but there are several companies right now, that restaurant style companies, that are interested in putting the tents and the facilities on their ramps, to have the flavor of either ethnic food, or the flavor of different companies selling. And, that pretty much is going to be the wave of the future, that if we get control of the properties, you're going to have a lot activity on the ramps and on the property, it might be a different kind of activity that we're used to.

But, I still believe that we can have the peanut vendor and other types of vendors, both on and off the property, on the property, being, obviously, more controlled, tightly controlled, because of the finances. But, if you look at the map there are areas where you're going to have the free market, as everyone refers to it, the free market or the vendors working right outside of the property line.

And, I would just remind everybody that on the property line it is the free market working and the people competing, though, are the people that are competing for the right to be on property. It's almost like putting out the bid and finding out who's going to give the best price to have the right to operate on the facility, and that is what gives us our value and what's going to increase the private dollars that come into these facilities, which, in reality, minimizes, hopefully, the public input that we have to put in, public dollars. So, if we can maximize the private dollars -- to me I still feel this is the best compromise. I am not saying it's perfect, I just think it's the best compromise to achieve all of our goals, and that's taking into consideration the finances of major league sports and also the right of businesses to operate around the facility and dealing with the authorities on the facility coming to some type of agreement. Thank you, Mr. President.

The Chair:

Thank you, Councilman. Councilman Udin.

Mr. Udin:

Thank you, Mr. President. I think that all of Council is desirous of finding a way to mutually resolve the conflict that we're facing here. I don't think that any of the colleagues on Council really intend either to create a monopoly and its obvious subsequent skyrocketing prices, nor do they really intend to kill off all of the independent vendors. But, I think that we need to try to work until we get it done to find some middle ground. And, I would suggest that the -- what is being called a compromise here is not at all a compromise, unless you would consider a compromise sticking a knife in my stomach 12 inches and then say, well, I'll pull it out six inches, and you should be grateful for that. That is not a compromise.

If we pass the legislation as it is, we will be killing off independent vendors.

I think that we also need to recognize that what we're dealing with here is a Pittsburgh situation. One of the things that makes Pittsburgh unique from other cities, perhaps from Philadelphia or other places, is the diversity of the market economy here in Pittsburgh. If you walk through the Strip, if you walk through Bloomfield, if you walk through Shadyside, some other neighborhoods, what grabs you is the diversity and the free willing entrepreneurial spirit of our neighborhoods, and that is what is reflected at Three Rivers Stadium, and to try to create such a situation that would eliminate these small independent vendors from being able to operate there, I think works against that kind of Pittsburgh tradition.

I have been trying to pull together some amendments that I would hope is in the spirit of what the bill intends but would also allow some participation for the vendors to continue at Three Rivers and other locations, but would also recognize some of the valid issues that the Stadium Authority has brought up. And, I am prepared either to reconsider the current legislation so that we can discuss it in Standing Committee, or to bring forward these amendments now.

But, I wanted to share the flavor of the amendments, if I may, Mr. President, so that we could really see what's being discussed. One of the issues that --

The Chair:

Councilman, are you offering an amendment at this time?

Mr. Udin:

Yes.

The Chair:

Is there a second to the amendment.

Ms. McDonald:

Second.

The Chair:

Thank you. Councilman.

Mr. Udin:

All of the issues have been brought forward by the Stadium Authority, one of them has to do with revenue, that they were not making any money from the vendors that are outside the stadium. The amendment that I am offering is a surcharge, a $500.00 surcharge, that would be required to be paid by any vendor applying to do business at Three Rivers Stadium, that would be added on in addition to their normal vending fee, but which would go directly to the Stadium Authority to be distributed however they distribute revenue coming from vendors.

Another issue that they complained about is that the primary management company doesn't have -- they're paying a higher price because they have to pay for the union wages, et cetera, and they don't have any real advantage over other vendors who are not paying union wages or using union work. And, I think that is valid, and I think that the independent vendors should not have that advantage.

And, so, therefore, another amendment that I will be -- that I am offering is that the vendors would not allowed any closer than 500 feet of the turnstiles, 500 feet from the turnstiles.

Another issue that's been raised is that we don't even know whether or not these vendors are paying taxes and whether or not the City really benefits from the vendors. So, the third amendment would be a requirement that when vendors apply for license, that they be required to show evidence of having paid the Business Privilege Tax, the State Sales Tax, the Mercantile Tax, where applicable, and any other taxes, where applicable, depending upon what kind of products they vend.

A final issue that I think that we must consider as responsible legislators here, is the effective date of this legislation. We have vendors who have already paid a fee and that fee allows them to vend until January 31st, I believe. If we were to pass legislation that would take effect with new rules before then, it would prohibit the vendors from an agreement that they have with the City and that they've paid for to vend until the end of that period. So, we will be opening the City up to liability for lawsuits, as well as a possibility of even for contempt of court citations, if we were to enact some legislation that interfered with the vendor's right to free trade that they currently have with their Vendor's License.

So, those are the four amendments that I am offering, Mr. President, and I would like for them to be considered one at a time and voted on separately.

But, I would first like to find out whether or not there is sufficient support on Council for supporting a motion to reconsider, so that these items can get the discussion that they deserve in the Standing Committee.

The Chair:

Just as a matter of procedure, we already have a motion on the floor to move the amendments and that is what we have to deal with. Do you want to withdraw that? I mean you would have to first make a motion to recommit for purposes of further discussion.

Mr. Udin:

Then I withdraw the amendments for the time being and move to recommit.

MR. COHEN seconded the motion.

The Chair:

Assuming the second withdraws, which I believe she does, and there's a second for a recommittal. Discussion on the recommittal.

Mr. Cohen:

I was going to say that I would second the motion for a recommittal, Mr. President. I believe that Councilman Udin has put forward amendments that are worthy of our consideration. Regardless of what the ultimate outcome is of that vote, I do think that they are worthy of our consideration, and that I would like to hear from -- since we got these amendments just before the meeting, I would like to hear from members of the Stadium Authority, the vending, the ARA, which

we had a discussion with last Wednesday, to be able to fully consider these amendments. So, I would support a recommittal, yes.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I also would support recommittal, and I have a lot of questions. There are some good points Mr. Udin brings up, but I don't know what 500 feet is, and I think a lot has to be brought out on a plan map where – like he says in discussion. I would ask if it is – I would like to see a map. I don't think they have a right to be anywhere near the ramps, but I don't know that I want to put them in the river either. But, I have heard that they can be in the tunnel here. So, before I can support any amendments, is to see a map, and the only way to do that probably is to have a recommittal on it.

The Chair:

Mr. Onorato, then Councilwoman McDonald.

Mr. Onorato:

On the recommittal. First let me say that I appreciate the time and effort that Councilman Udin put into the amendments and his ability to articulate his position very well, even to the point where I am a little queasy about that knife halfway out of my stomach.

I am going to vote no to the recommittal, only because I believe that we can discuss those amendments as long as we want today, that's the purpose of written amendments on a Tuesday, and because my position is firm, and I am willing to move forward the way it stands right now, and I am going to be asking my colleagues, hopefully, to vote against the recommittal, not to squash the conversation, because I believe it can be held today, and we've been beating this thing around long enough. I think it's time to either make our vote either for or against, and I respect everybody's opinion on it at this point, but I think that we have got to seriously move forward, and I look forward to discussing those amendments. I'm not going to do it now because they're not on the table. This is only on the recommittal, and I'm urging everyone, hopefully, to vote no, so we can talk about the amendments today. Thank you.

The Chair:

Councilwoman McDonald, then Mr. Hertzberg.

Ms. McDonald:

Yes. I will be voting yes on the recommittal to discuss the amendments tomorrow. Councilman Udin, this is in his district and he has a very difficult councilmanic district, because not only does it involve upper income people, middle income people, a lot of lower income people, but businesses, the business district Downtown, the stadium. This is his area here. So, out of difference to him having concerns about the goings on in his district or at least near his district, I would like to urge everyone, out of respect for any issue that involves your councilmanic district, is to at least extend it for discussion.

After tomorrow we may go back to the same original resolution and we can vote it up or down next Tuesday, but I think to hold it for a week for a final vote, is not asking for too much. I think some of the amendments are things that we had discussed last Wednesday and that is a lot of vendors going around, and, my goodness, they haven't paid taxes or anything. I mean this is really – this is not just gross revenue, this is gross equals net revenue for them, and that is not fair to the other vendors, it's not fair to anyone at the stadium who's paying their dues.

So, I think some of the things that are on here as far as showing license, proof of having paid the fee that is being proposed, the Business Privilege Tax, et cetera, those things, I don't think we can really argue about. I think that's one amendment that I think we should have a unanimous decision that, yes, they should offer proof that they are legitimate vendors.

I think the issue is, is how far away, here we are, 30 feet, 500 feet, 200 hundred feet, where's the property line. We can discuss that tomorrow.

And, I think that Item No. 2, the fact that he discusses a vending fee, this addresses the fact that the Stadium Authority is losing money on a lot of vendors going around, just everywhere, peanuts, everything, and it looks like a circus for some events. So, I think this does address it.

And, one question I had for Councilman Udin, I said, my concern is having too much of a circus atmosphere during events, and I don't want to be pestered, I've paid my money, I just want to get to the turnstile, find my seat. I don't want to be pestered with everybody asking me to buy something. And, his comment was, if you enforce a vending fee of the 500 dollars, you know, that's a sizable amount, you're going to make – that is kind of like an insurance that there is not going to be a whole lot of vendors out there, because how many people are going to pay 500 dollars. I mean, boom, 500 dollars a year.

So, again, I think it's worthy of at least discussing. At least a couple of these amendments I think should have been on here, so –

The Chair:

Thank you, Councilwoman. Councilman Hertzberg, then Mr. Cusick.

Mr. Hertzberg:

Thank you, Mr. President. I am prepared to vote today, rather than recommit. So, I will voting on a no for recommittal. I think we've spent plenty of time, we've heard plenty already on this issue, it has been before our Standing Committees Meeting twice, we held a public hearing once, I think we should vote the amendment up or down and wherever we go, we go today.

I ask my comments be brought forward from last Standing Committees Meeting.

(REMARKS–SEE ADDENDUM)

Mr. Hertzberg:

I think what the amendment tries to do is to manage this operation, the

agreements and these vendors for the Stadium Authority and for Spectacor who's already charged with that duty and who's already paid to do that. I don't know if a 500 dollars is a good fee for everybody, maybe it's low for some, maybe it's high for some. I really – I'm not comfortable with it. I'm comfortable with giving the management of the stadium a chance to handle this, and if it doesn't work, then we'll manage it. But, there's someone charged with managing this operation already that I believe has sufficient expertise to do it correctly. And, I'm not going to legislate the particulars of how these agreements are going to happen.

As Councilman Onorato pointed out, this footprint still leaves an area, which he called fair game, and I think that's probably a bad term to use, it's not covered, whether it's fair or not and whether the vendors that have been there have been fair or not and whether we've been collecting our fair amount of taxes or not, and what would go on in the future outside of that zone, I don't know if it's fair or not. But, any ways, the current footprint leaves a lot of uncovered space that has a lot of foot traffic and a lot of potential customers. Five hundred feet leaves a lot of the parking lots that are traditionally stadium parking lots – they are stadium parking lots, uncovered under this.

And, we also have to what the Stadium Authority officials told us about increasing revenue for them and for everyone there, not just to mention the regular tenants, that being the Pirates and the Steelers, but also from concert events, that's a question that almost every promoter asks, they want to know what ordinance you have in place so that they can control the flow of the material related to their particular event, and if you have good controls, they're more likely to come and use your facility than if you don't have good controls. Thank you.

The Chair:

Councilman Cusick.

Mr. Cusick:

Thank you, Mr. President. I will be voting against the recommittal. I think that we've spent enough time on this issue. After reviewing Councilman Udin's amendments, and I do appreciate the amendments, I think he was trying to come up with a compromise of some sort, but I think we have compromised, in regards to vendors. I think that this is purely a business decision for the residents of the City, for the sports organizations of the City, especially at a time when we see so many sports outfits leaving, picking up and walking away. We sell the exclusive rights – or the Stadium Authority sells the exclusive rights, and if we don't keep certain people off these properties, then they're not exclusive rights and it really loses it's value.

I understand that this is very tough on a lot of people and – but let's talk about who these people are. These vendors are not poor people, they do quite well out there, and, in fact, I've heard a few Council people say that they wish they were in the business.

It's unfortunate that this has to – we have to end up doing something like this, but I think that it's the appropriate thing to do. We, the City, sell rights to the vending and the Regatta and to a master vendor, and there is no difference here. If

we do not keep the vendors off of the property of the stadium, the Convention Center, or the Civic Arena, then we're not doing our job.

I think that Councilman Onorato is correct when he says that it is not only his duty as a Councilperson to offer this legislation but as a board member for the Stadium Authority. I think this -- I truly believe this is a compromise, because we don't go after other vendors in the rest of the City. You take, for example, Pitt and the vendors out there, Pitt, I think that they should be allowed to vend out on the streets of Oakland. It's different, Pitt does not pay taxes to the City, they're exempt from that. And, so, I don't see it being the same thing.

But, I will not support the recommittal. I think we've had enough discussion, and I think we should move on.

The Chair:

Thank you, Councilman. My colleague, Councilman Udin, is a formidable opponent, no matter what the issue is that comes to the table, and I have tremendous respect for him, and I also am disappointed that I have to beg to differ with him on this issue. But, I think it is a mistake to recommit the bill. And, if I didn't think that the colleague was so formidable, I would vote to recommit it, but I think my colleague, Councilman Udin, is more than capable, based on the fact of a tremendous amount of public hearing testimony and the lengthy discussion, both privately and publicly at the Standing Committee, and if I didn't think my colleague could defend his amendment, when we'd go to argue it, I would vote to recommitment it.

But I think, basically, I'm very much opposed to the recommittal, I think the colleague cannot only articulate his reasonings for the four amendments, but I know we can have a spirited debate based on not subjectivity but a lot of the fact gathering and information that we've already done.

So, I respectfully disagree with the notion to recommit and I'm anxious to debate the merits of the amendments.

Councilman Ricciardi.

Mr. Ricciardi:

Well, just on that note, just on the motion itself. I will look forward to the discussion on the amendments, but I think it should occur today, and I will be voting against recommittal.

The Chair:

Roll call vote on the motion, which is now on the floor, which is to recommit Bill 2601.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Ms. McDonald	Mr. Udin

AYES 4 NOES 5

VOTING NO:

Mr. Cusick	Mr. Ricciardi

Mr. Hertzberg Mr. Ferlo
Mr. Onorato (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

The motion is not recommitted. The bill is now up for discussion, and my colleague now would like to make a motion. Mr. Udin.

Mr. Udin:

I move to amend the Ordinance 2601, with the amendments that have been distributed to all Councilmembers. One, Section 1(c), deleting words, or the phrase, "or within 30 feet," and adding, "or no closer than 500 feet from the turnstiles." Second, adding to Section 1(c)(i), "only licensed vendors can enter into said agreement. Vendors will pay a surcharge of 500 dollars to the respective entity. Third amendment, adding a section, which will read, "upon obtaining future licenses vendor must show proof of having paid the vending fee, Business Privilege Tax and Mercantile Tax where applicable." And, the final amendment, adding another section, that the effective date for the individual peddlers would commence at the expiration of their current license.

My hope, Mr. President, is that we're able to vote on these amendments separately, there may be some people who feel differently about each of them.

The Chair:

Thank you. The motion is to move all four, but for purposes of discussion, then we go to actually vote, we'll vote separately on each one. But, I think it would be a lot easier if we can talk collectively about the four amendments.

I would like to just start out, I'm very much opposed to the four amendments, and I think they're well-crafted, and I think the intention very clearly, basically, is to gut and undermine the whole purpose of moving on this ordinance in the first place.

This bill -- and I sat through and listened to the public hearing, I sat through and listened to all the discussion at the Committee Session, I have heard and read reviews by vendors, the attorney representing vendors, and others, and to me this bill and this ordinance is not about civil liberties, it is not about a restrain of trade or conflict with interstate commerce, I don't believe this bill and this ordinance that Mr. Onorato and the Administration have offered is about entrepreneurism, I don't think this bill is about sports profiteering, I don't think this ordinance is a plebiscite on whether or not we like the Steelers or the Pirates or the Penguins, up at the arena, or the circus at the Convention Center, or at the arena.

To me, very simply, this ordinance is about whether or not we're going to maximize the return of the financial investment back to the tax payer, who is the City resident, who for at least two decades has been disproportionately burdened by the debt service and the obligations to maintain major league sports in the City of Pittsburgh. To me it is a property management issue, it is about whether or not we're going to maximize return back to the tax payer, who has been

paying the piper there for more than two decades.

So, to me it is a property management issue, and it is about honoring and respecting, not only the Collective Bargaining Agreement with a lot of the lower wage earners, both older workers as well as a large number of women, in particular, who benefit from being able to work as concessionaires under the property management agreement between the stadium and Spectacor, ARA and the union, and I think it is going to undermine the benefits that those workers accrue, and those are the workers that are at all the 81 games that Mr. Pollock pointed out, whether it's good times or bad, whether it's raining or snowing, or what have you, they're at the Steeler games, they're not just there when there's the big playoffs and everybody has got a little extra cash in their pocket, coming out of the Clark Bar, they want to spend, they're there every time to provide a service to spectators that come to the arena.

I think the issue of the effective date is fraudulent; in fact and matter, let's put this issue in perspective. We already have -- the vendors have already benefited over a year and a half because of the lawsuit and because of the confusion that existed in the wording of the previous ordinance, and when you get the permit, the permit does not speak to some length of time, it's true you buy it for the year, but it's pursuant to whatever the applicable City ordinances are. And, the only thing I'm disappointed is that the Administration took so long to clarify this issue, because, unfortunately, it created an open ground for vendors, and I respect the vendors, they're hard workers, and I respect the fact that they are out there working hard and trying to make a buck. But, because of this confusion, there was such a vacuum, that the vending opportunities existed and now it's somewhat entrenched, and it even makes it more difficult to restore some reality to this whole issue.

The other thing I think that is important, we're only concentrating on the property of the Stadium Authority, but I think, as an urban area in the City of Pittsburgh, we probably have more parades and more congregate events in this City than probably any other major urban area around the country, and there are any number of opportunities. I mean people want to buy a terrible towel or a Steeler hat, or whatever the item is, they want to buy that at a Columbus Day Parade, or other events that are held throughout the City, and I think we have a very large number. I think there are probably 30 or 40 parades alone in this City, there's several hundred large congregate events all around this City, that the independent vendor, and I respect them, they work hard, it's an opportunity for a lot of entrepreneurs to make a buck, hopefully they are paying the Business Privilege Tax and the Mercantile and the Wage and the other taxes they're obligated to pay.

But, I think there are a lot of opportunities that exist that we provide due to tax dollars, funding of events through the Sports Federation, so we give them an audience that a lot of other places around this City for them to vend and I hope that they would do it. I think we're making a mistake in supporting these amendments.

The issue of the 500 feet from the turnstile, basically, you are going to return

to what the existing chaos is now, that's basically just below the various entrance gates to A, B, C, and D. So, you are still going to have the vendor that has a contract with ARA, Spectacor and the stadium, who is out there and has the burden of selling the T-shirt or the item for a certain fee, based on the debt service that they have, whether it be the Collective Bargaining Agreement, whether it be the cost of the item that they have to pay the franchise fee back to the particular sports team, and this clipping at his or her heels, is going to be this entrepreneur vendor, who may or may not have licensed material, who doesn't have the burden -- when I say burden, I feel it is a good burden -- of the Collective Bargaining Agreement, because we have a lot of wage earners that have the benefit of health care, some pension and some other obligations, and I applaud that.

So, to me, I respect the purpose of what the spirit is of this, where I'm diametrically opposed to it. I still view this, basically, as controlling the property, much the same way that the Monroeville Mall would not allow a bookstore vendor to set up in the hallway outside a Barnes and Noble franchise renter, and I don't see any difference here. And, in fact, every major urban area that has the burden, and I consider the burden when you're talking about millions of dollars that we pay to support the Pirates, the Penguins and the Steelers, every major urban area, whether they're privately owned stadiums or publicly owned and/or publicly financed, control the property line and the perimeter, not only of the building but their property. And, the one comment I think that is salient, that I have responded to, was the representative of the Steelers, and I think we need to harken and listen to his concern as he spoke at the public hearing. The worse thing I think that could happen is for the Steelers to take their profitable team, and they are profitable, much more so than the Pirates and the craziness there, and if they were to go out in Moon Township and build a new stadium, completely owned privately and run the kind of profit margin they have, I can tell you one thing, they sure as heck are going to throw every piece of property that they have to maximize that revenue back.

So, I view this as a revenue issue. I do not view this, I respectfully disagree with my colleague and others who are trying to portray this as free-willing and spirited capitalism, entrepreneurism, helping the little guy. The only little guy I care about is the wage earner who has the benefit of the Collective Bargaining Agreement at the stadium, and the only other person I care about is the tax payer who has been burdened for two decades disproportionately with the debt service at the stadium. We have an opportunity here to correct this, and I respectfully disagree with the spirit, the intent and the devastating impact these amendments would have.

Other colleagues? Councilman O'Connor.

Mr. O'Connor:

I agree with most of what you said, and I -- but, I do agree with -- there's four amendments here, and actually I like 2, 3, and 4. No. 1, I think is not feasible, the 500 feet. First of all, there's no line and I don't think it would be policed very well. So, I doubt if these amendments are going pass, unless Mr. Udin later on can come up with a map, that he can work with,

possibly, Mr. Onorato and the Stadium Authority, that is better than the one that they have, or more user friendly to them.

I would like to highlight, though, his amendment on No. 3, "upon obtaining future license, vendor must show proof of having paid the vendor fee, Business Privilege Tax and Mercantile License." I think that is good for any vendor in the City –

The Chair:

Just to clarify, I'm all for 3, in the absence of everything else. Sure, I'm all for that.

Mr. O'Connor:

Well, you didn't say that.

The Chair:

But if you don't support the other bills, there basically is no purpose.

Mr. O'Connor:

So, I think he -- that's a very good bill. A 500 dollar fee is -- again, could be instituted, because when you open a business in the City, you pay rent, you pay air condition, you pay Real Estate Taxes, and these people aren't paying anything at all.

And, the effective date, what came up -- what Mr. Hertzberg just brought up, is a concern, too. I think there should be a date where – and we're talking about Steeler and Pirate games, but what about these Rock Groups that come in one time a year and they bring in people that follow them around selling the T-shirts and items. I don't think it's – I would like to see maybe a time limit, where if somebody wants to get a permit, it would take 30 to 60 days, so that it can't be the fly by nights that just follow these bands around and make a lot of money on those items. You'll see them at the arena more so maybe with some of the groups that come in. So, they basically shouldn't be able to get a license – come in here and pay 20 bucks, get a license and go up and make a ton of money and usually selling counterfeit merchandise. So, possibly putting some guidelines – in other words, they would have to show their vending fee.

So, there are a lot of good things out of this ordinance, although I can't support the 500 feet. So, I would encourage him to keep working at those and put it – if not today, to be putting this type of legislation forward so that we could put more of a control on them.

The Chair:

And, just to recall, the Councilman did ask that we would vote separately on each amendment.

Councilman Udin, would you like to speak more specifically to your amendments, or do you want to defer to the others?

Mr. Udin:

You can defer to the other Members.

The Chair:

Other colleagues. Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President. And, once again, I do want to thank Councilman Udin for bringing these forward, and I also want to thank him for sharing these with me before the meeting started, I appreciate that courtesy, to review them. Unfortunately, at this time he and I just disagree on this, and I don't question his intent or what he's trying to do here with the compromise. I just think it is a philosophical difference that some of us have here at the table of how we should handle these types of facilities. And, I think Councilman Hertzberg summed it up well for me, and that this is about management control of the entire property, and that's all the property, and that with that management control, gets to the issue that I was stressing earlier, and that is, the value of the concession rights and the value of the management rights of these facilities. You can't sell something that you can't deliver. If we're going to go out there on the market and say we have something, it's very valuable, that we want to sell and we want you to bid on it, this is free enterprise all the way, there are several companies in this country that want to do this, and say, we have something to sell you, it's the stadium property, which includes all around our parking lots, we want to put this out for bid who has the right to manage it, and obviously it is going to be worth more if we can deliver that as opposed to saying we want to do that and then give it out to bid and only give them the right inside the stadium, basically, is there it is right now.

The legislation, real quick, came from the Administration, I amended it for some of the -- because of some of the discussion of a previous Committee Meeting. And, I think that the big dispute that is here, is that we can't agree on, who's the little guy getting hurt. Some people are taking the position that it is the small businessman getting hurt. I take the position, very similar to you, Mr. President, and that is, we have the tax payers that have been subsidizing since this place has been open, it happen -- I would say, 70 percent of our tax payers in the City probably don't even go to the stadium on a regular basis and they're investing in an asset through their taxes. We own the facility and if I can generate more money to the private sector to protect their investment, I have no problem supporting that and I think that is what the current bill does.

On top of that, in a time where union jobs are going by the wayside, and good paying jobs are going by the wayside, I have no problem standing up publicly to any of the media sources saying, that these are good union paying jobs, hard-working individuals, that support families throughout this region, a lot in the City of Pittsburgh and we're protecting that right also. I am not ashamed to say that, and they are going to be helped by this. And, I would rather see the individuals that are making good money inside working the stands, working outside, than to have it all replaced by minimum wage jobs that could possibly undermine the entire Collective Bargaining Agreement. There's a lot of issues on the table right now. As I said, it's not the perfect world but it's the world we live in of high finances. And, I really believe that within the next five years, however the Pirate issue is settled, with a new stadium, somewhere, or somehow that issue is addressed, that you're going to see the value of the concession rights, both

in and outside of these arenas on their property, are going to play a critical role on how these facilities are funded, and that's going to help raise the private dollars.

So, I have to adamantly oppose these amendments, based on my philosophy and on how I think this will help us in the future. On stating that, I look forward to voting on the amendments separately, but as a package right now, I'm against any amendments, and I think we have to move forward, hopefully with the way the bill is written, as it stands today.

The Chair:

Councilman, other discussion? Hearing none -- Councilman Udin, excuse me. I apologize.

Mr. Udin:

Yes, I did ask to speak. Just finally I just would attempt to clarify just a few points that I think need to be made for the record.

The effort to try to characterize this as just a business deal, I think ignores the uniqueness of the Authority as a public entity, although it is designed to engage in services that generate revenue, authorities are public entities, created by public municipalities for the good of the public, and they are not the same as the Monroeville Mall, and if the owners of the Pirates decide to pick up and move to Moon Township and build a new stadium on private land and restrict any other vendors from coming in except the ones that they choose to, they have the right to do that, but this Authority is not private land, it is public, and that is the difference between what we are doing here and what we will be doing at the Monroeville Mall; it's a very, very important difference, that's why we're discussing it in the first place.

To describe this as just a business deal, I think is to turn our backs on what we were sent here to do. We were not just sent down here to do business with big business, we were sent down here to balance big business with the interest of the tax payers and the little people. The people who have to pay skyrocketing, gouged prices for the products at a monopolized stadium, their tax payers, too. The wage earners, they go to the games. This bill would benefit them as well. So, it is not a bill that is opposed to wage earners or tax payers, it is a bill that will help wage earners and tax payers. It is also not an amendment which will threaten union jobs. I think that is a fraudulent distortion of what effect these little vendors have on the tremendous billions of dollars that are being generated at the stadium. We are talking about a handful of vendors who are selling -- there are some large vendors, sure, but most of them are a handful of vendors who are selling small products and the amount of money that they are generating would not even create a blip on the balance sheet of the revenue that is being generated throughout the entire series of events that go on at Three Rivers Stadium. So, it is not a threat to the union jobs that exist there. It is instead a reflection of the economic situation that is going on here in Pittsburgh. We talk as though there are jobs for everybody in Pittsburgh. Pittsburgh is undergoing a serious unemployment crisis that oftentimes creates among people who are more entrepreneurial the desire to go out and try to make their own way. And, that is what

a lot of these vendors are doing. There are people who are unable to find employment in some of these high tech big business deals that some of us represent. There are people just out there trying to make their own way by taking a group of peanuts or popcorn or starves and going out to the stadium, their own stadium that they paid their taxes for and trying to eke out a living. Yes, it is big business. It is just a business deal, big business. I'm here to stand up for the little guy, the tax payer, that's what I was sent here for. Thank you, Mr. President.

The Chair:

Thank you, Councilman. Other discussion? Hearing none, we'll take a roll call vote on each one of the proposed amendments, beginning with, as you have before you, Item No. 1, regarding the 500 feet from the turnstiles. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Ms. McDonald	Mr. Udin
Mr. O'Connor	

AYES 3 NOES 6

VOTING NO:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
	(Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

The amendment is defeated. Item No. 2, which you have before you, regarding licensed vendors, and enter into said agreement, vendors will pay surcharge of 500 dollars to the respective entity. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Ms. McDonald	Mr. Udin

AYES 4 NOES 5

VOTING NO:

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. Onorato	(Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

Mr. Udin:

Amendment withdrawn. Under Item 3, amendment withdrawn.

The Chair:

The maker of the amendment is withdrawing No. 3. Is the second of the amendment -- who made the second to the original amendment? Councilwoman McDonald, do you withdraw your second?

Ms. McDonald:

Yes.

The Chair:

Is there any discussion?

Mr. Udin:

No discussion. There's no motion.

The Chair:

The amendment is withdrawn. Item No. 3. Item No. 4, Mr. Udin.

Mr. Udin:

Move it.

The Chair:

Move Item No. 4, adding Section regarding the effective date for individual peddlers would commence at the expiration of the current license.

Mr. Onorato:

Point of procedure, Mr. President.

The Chair:

Councilman Onorato, point of procedure.

Mr. Onorato:

I just have a quick question for him, because I'm a little confused on one issue, and that is, the effective date for individual peddlers will commence at the expiration of their current license. Just for my sake, I just want to make sure I have this right. If this doesn't pass, and the bill doesn't say it, the effective date would be the, what, at the signature of the Mayor or ten days from passing?

The Chair:

This bill would come roughly ten days from now.

Mr. Ricciardi:

Ten days from today.

The Chair:

We have to advertise the final adoption of this bill, there would be another ten days, and another a lot of money made off of the playoff games. It would be ten days. So, in effect, it would be almost towards the end of the year.

The ordinance, whatever we approve today, will not, in effect, become law until ten days after the President's signature and the Mayor's signature.

Mr. Cusick:

Point of order, Mr. President.

The Chair:

Excuse me. Councilman Onorato, does that clarify your point of procedure or point of order?

Mr. Onorato:

Yes, that does.

The Chair:

Councilman Cusick.

Mr. Cusick:

I guess the point of procedure would be correct. Did we not, when

Councilwoman McDonald second these amendments, and she just withdrew her second on those amendments, that was a package, which means we should not be discussing any further --

The Chair:

Well, we agreed we were going to vote secondly. So, just as a matter of procedure, we will vote up or down the Item No. 4, as requested by the maker, Mr. Udin. And, it is true, we didn't separately have a second but I don't think there would be any problem --

Mr. Cusick:

I feel we should have voted on No. 3, too, because I do like No. 3.

The Chair:

I understand that. But, the Item No. 3 --

Mr. Cusick:

But the second was removed. That was the second on all the package, we do not --

The Chair:

Excuse me. Let me just make a procedural point. Item No. 3 was withdrawn by the maker and the second, it is still in writing on the table. Following a conclusion of our vote on No. 4, anybody at this table can make a motion to reintroduce Item No. 3, that's your prerogative.

So, let's resolve Item No. 4. We're going to have a separate vote. Is there readiness on the motion and request for additional debate or clarification? If not, we will move on Item No. 4 at this time. Excuse me. Councilman O'Connor.

Mr. O'Connor:

Is there a possibility of putting a date on that, whether it be January 1st or January 31st?

Mr. Udin:

January 31st is the date that they expire. We can add that, too.

Mr. O'Connor:

You're only talking about possibly one more game.

The Chair:

I think there is some unreadiness on the motion. Could the maker just clarify his intent.

Mr. Udin:

Yes, I am adding January 31st, 1996.

The Chair:

What would be the reading of your amendment?

Mr. Udin:

Adding Section, effective date for individual peddlers would commence at the expiration of their current license, January 31st, 1996.

Mr. Ricciardi:

Just clarification and a question.

The Chair:

Now, just point of order. Could we not just say that the effective date of the bill will be January 31st, 1996, because this is very confusing?

Mr. Udin:

January 31st, 1996.

The Chair:

So, the point is, upon the final version of this bill, the bill will become effective January 31st, 1996. So, the intent here is to change the effective date of the ordinance. That was your intent. The way you are wording it I think it is going to be confusing for BBI to figure out when people get licenses and all that. Your intent was to not have the bill take effect until January 31st, 1996.

Mr. Udin:

That's correct.

The Chair:

Well, can I suggest that that be the wording, though. Councilman Ricciard

Mr. Ricciardi:

I am opposed to that amendment, colleagues, and the reason is that that really flies to the basis of the bill in general. If we believe that vending should not occur on the property, because we really truly believe it's a property management issue, just to prolong a wrong for some reason doesn't make it a right. So, what I am saying is that, if we really believe, or we truly believe in the bill before us, it should become effective as soon as possible and not to any way drag it out or continue a wrong at the stadium, just to get through maybe some of the post games, either from Steelers or any other events.

So, I will be voting no on this, because I truly believe in the bill I'm voting today and as soon as I vote on it, I would like to see it become law within ten days of passage.

The Chair:

Thank you. Again, I strongly oppose this, also. This bill, in effect, has been around for a year and a half in terms of not having order and, basically, there has been a lot of entrepreneurial money made, and I respect that, but it's been over a year and a half that that monies been made, there are a few upcoming significant games that involve the loss potentially of several hundreds of thousands of dollars and, basically, I think we should make this bill effective upon the signature, the way it would normally be pro forma. Councilman Hertzberg.

Mr. Hertzberg:

The issues, the playoff game, or games, whatever it turns out to be for the Pittsburgh Steelers, and I think, if you believe in the legislation, there's no reason it shouldn't be implemented as quickly as possible. So, I vote no on the amendments.

The Chair:

Councilman Onorato.

Mr. Onorato:

The only concern I have on this whole thing, and I'm very leery about voting either way on this, is that – and we don't have the time right now, and I understand that, I wish I had the opportunity at this point right now to check with the Solicitor, because I just want to make sure we don't have the legal problem with – I don't know what these leases – or, these licenses say that we give these people.

But, at that point, I mean call the vote. I'm not prepared at this point and I'm going to ask her.

The Chair:

I'm sure, no matter what the content of this bill is going to be, that the individual vendors will be provided an opportunity to introduce various legal motions and orders before the court. I mean I don't think this bill is going to pass without some effort on the part of the independent vendors to raise legal question. So, I'm sure you will see legal activity. This is typical with any bill we do, we always have an effective date, in this case we're just saying – I think that some of us are saying the effective date should be upon the passage of when it would normally become law, period. Councilman Udin.

Mr. Udin:

Thank you, Mr. President.

The Chair:

I don't know if you're thanking me. I mean I haven't agreed too much, so –

Mr. Udin:

Well, that's protocol.

Mr. Ricciardi:

That's courtesy.

Mr. Udin:

I think that the purpose of this amendment is to acknowledge the contract that the City has with the vendors currently, and those vendors, the foot vendors, the peddlers, the mobile vendors who work at the stadium and in other points around the City. It's just until January 31st. It's bad enough that we are putting them into the river without life jackets right after this legislation passes. The least we could do would be to honor the agreement that we made with them when we gave them the vending license, which said that they could vend until January 31st. That is the very least it seems that we can do.

The other thing that we will be doing, and I wish I could exempt myself from the responsibility for it, is that we are opening this City up to definite liability from lawsuits that will occur, because we were so hasty in implementing this legislation that it will deprive vendors of the opportunity to earn revenue from upcoming playoff games, or anything else that's coming up between now and January 31st, and I am absolutely certain that they will be filing claims against the City for what they estimate they may have made if

they had been able to continue to the expiration of the licenses that they have paid for. And, that is what I'm trying to get us to avoid. It is a definite liability that we're opening ourselves up to.

We don't have to implement this legislation this speedily. The effect of the legislation will go on from now and forever, why we have to kill them off so soon, I don't understand it.

The Chair:

Just in response quickly. I just want to correct any notion here.

First of all, just to clarify something. We did not have to, and I don't believe we're legally required to hold a public hearing. We did hold a public hearing, and, in fact, we didn't hold an expedited public hearing, it was a few weeks later than we normally would have scheduled the hearing. So, we had several more weeks and several more vendor opportunities at the stadium during the course of that four or five week delay when we scheduled the hearing. We had at least two Standing Committee Meeting discussions and debates because it was held over. So, I just want to correct any notion that somehow this has been a hasty review, and, in fact, we had a public hearing, which is not -- well, you used the phrase, hasty review. I don't think it was hasty, I think we had an extensive public hearing, I think because of the publicity, a lot of people had an ample opportunity to express opposition and concern about this bill, we held it for a couple of Standing Committee Sessions, and we're having lengthy debate here. The license is a license pure and simple. The license doesn't speak to the fact that Council has its legislative prerogative to change the Code of Ordinances. It is a license for a vending period of time pursuant to whatever the City Code of Ordinances are. In this case, Council reserves its right to change fundamentally what that particular vending ordinance is.

And, thirdly, I again reiterate my point that it has been over a year and a half that they Administration did not come back to clarify Judge Friedman's ruling and she was not ever commenting on the policy issue, she was basically, in her opinion, it was not clear to her where the property line or where the perimeter line was, and that's why we're here in the first place.

Councilman Cusick, and we'll let Mr. Udin have the last word.

Mr. Cusick:

I think the City will be holding up its commitment to the vendors in regards to their current license. We got to remember something, the business owner, in this case, is the Stadium Authority. The City did enter into an agreement but Stadium Authority did not enter into an agreement with these vendors, and, therefore, they being business owner, I don't think we should really have a problem in regards to this. I really believe that the effective date should be immediately because of the events that we hope that will happen here in the next month and continue to happen in the future.

The Chair:

The amendment we are voting on is the effective date of the ordinance,

whatever this ordinance ends up being, and that the effective date of the ordinance would be January 31st, 1996. I believe that was the Councilman's intent.

Unless there is other discussion or comments, roll call vote on that specific amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Ms. McDonald	Mr. Udin
AYES 4	NOES 5

VOTING NO:

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. Onorato	(Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

Regarding Item No. 3, if there is no motion to put it back on the floor, we're going to move to the other bills. Hearing no motion, other concerns or comments.

Mr. Udin:

I thought Mr. Cusick wanted to put that bill back on the floor?

The Chair:

Apparently he's not doing that, I don't know.

Mr. Udin:

Mr. Cusick. Oh, I am sorry, go ahead.

The Chair:

Hearing no other amendments, now we can discuss the bill as amended – which it was not amended. Councilman Cohen.

Mr. Cohen:

Mr. President, I would just like my comments brought forward from Wednesday's meeting, please on that same bill.

(REMARKS–SEE ADDENDUM)

The Chair:

Thank you. Other colleagues?

On this bill, 2601, as well as the other bills in the Finance Committee, I would like my comments brought forward also.

(REMARKS–SEE ADDENDUM)

The Chair:

Any other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES 1

(MR. UDIN VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2686

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2704

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $225.87 in payment of railroad flagging services required for the bridge safety inspection of the Swinburne Street Bridge, charging the same to Code Account 3-13-05-0001-95."

Which was read.

Also,

Bill No. 2705

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sofis Company, Inc., in the amount of $1,785.00 in payment of the fall protection system erected during the inspection of the Larimer Avenue Bridge, charging the same to Code Account 3-13-05-0001-95."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when

their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2717

A Resolution entitled, "Resolution transferring the amount of One Thousand Eight Hundred Dollars ($1,800.00) from the Mayor's Office Education and Training Code Account 1017-1, to the Law Department Education and Training Code Account 1075-1."

Which was read.

Also,

Bill No. 2718

A Resolution entitled, "Resolution providing for an agreement with City Source Associates for use in marketing, clearing titles, transferring property titles, lot clean-up operations, and other related costs in the implementation of the "Side Yard Program", at a cost not to exceed $50,000.00."

Which was read.

Also,

Bill No. 2735

A Resolution entitled, "Resolution authorizing the transfer of $415,000.00 from Code Account 1443, Salaries and Wages, Bureau of Police, Department of Public Safety, to the following Code Accounts: $300,000.00 to Code Account 1461-1, Premium Pay, Bureau of Fire; $100,000.00 to Code Account 1461, Salaries & Wages, Bureau of Fire, and $15,000.00 to Code Account 1461-2, In-Grade Pay, Bureau of Fire. **(PRESENTED BY MR. COHEN)."**

Which was read.

Also,

Bill No. 2736

A Resolution entitled, "Resolution authorizing the transfer of $200,000.00 from Code Account 1443, Salaries and Wages, 144303, to City-County I.D. and Information System Project, Bureau of Police, Department of Public Safety. **(PRESENTED BY MR. COHEN)."**

Which was read.
Also,

Bill No. 2741

A Resolution entitled, "Resolution authorizing the transfer of $2,000.00 from Code Account 1023, Miscellaneous Services, to Code Account 1022-1, Premium Pay, Magistrates Court."

Which was read.

Also,

Bill No. 2742

A Resolution entitled, "Resolution providing for the transfer of $14,000.00 from Code Account 1016, Mayor's Office, to Code Account 1034, Commission on Human Relations."

Which was read.

Also,

Bill No. 2743

A Resolution entitled, "Resolution authorizing the transfer of $480,000.00 from Code Account 53-1, Debt Service-Stadium Authority, to Code Account 1461-1, Fire Bureau Premium Pay, Department of Public Safety."

Which was read.

Also,

Bill No. 2744

A Resolution entitled, "Resolution transferring the amount of $100,000.00 from Code Account 44-9, Worker's Compensation Medical, to Code Account 45, Health Insurance Municipal Employees, Department of Finance."

Which was read.

Also,

Bill No. 2745
A Resolution entitled, "Resolution transferring the amount of $75,000.00 from Code Account 44-9, Workers' Compensation Medical, to Code Account 46, Judgments, Department of Finance."

Also,

Bill No. 2752

A Resolution entitled, "Resolution transferring $657,000.00 from Code Account 1608, Salaries and Wages, Bureau of Operations; to the following Code Accounts within the Department of Public Works: $560,000.00 to Code Account 1667, Salaries & Wages, Bureau of Environmental Services, $27,000.00 to Code Account 1666, Salaries & Wages, Bureau of Environmental Services; $70,000.00 to Code Account 1660-1, Premium Pay, Bureau of Environmental Services. (These transfers are necessary to cover salaries and premium pay costs for the remainder of 1995). **(PRESENTED BY MR. RICCIARDI)."**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Committee on Public Works, Water and Environmental Services, Councilman Ricciardi.

Mr. Ricciardi:

Mr. President.

The Chair:

Thank you, Mr. Ricciardi.

MR. RICCIARDI PRESENTED

Bill No. 2802

Report of the Committee on Public Works, Water and Environmental Services for December 6, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2719

A Resolution entitled, "Resolution vacating Clayland Way from Basic Avenue to its easterly terminus in the 31st Ward, 5th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Committee on Planning, Zoning and Land Use.

MR. UDIN PRESENTED

Bill No. 2803

Report of the Committee on Planning, Zoning and Land Use for December 6, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation, Bill No. 2603

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 6, by changing from "R4" Multiple-Family Residence District, to "C3" Commercial District certain property having frontage on Reddour Street, Sampsonia Street, and Federal Street, 22nd and 25th Wards. COUNCIL DISTRICT NO. 6"

Which was read.

The Chair:

You have heard the reading and title of the bill is there any discussion? Councilman Udin.

Mr. Udin:

Yes. I would like to share with my colleagues, who may have heard about continued dialogue and disagreement between the Central North Side Community Organization, represented by the Central North Side Neighborhood Council and the Urban Redevelopment. Just to update you, that the issues that were at dispute have been resolved. There is a signed Memorandum of Understanding that each of you will have in your boxes when you return and the – at present the Central North Side Neighborhood Council and other community representatives are in full agreement with the Memorandum of Understanding and the Federal North Project and wish that it move forward speedily. Thank you.

The Chair:

Thank you. Other discussion? Hearing none the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Ms McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Committee on Housing, Economic Development and Promotion. Councilwoman McDonald.

Ms. McDonald:

Mr. President.

The Chair:

Thank you, Ms. McDonald.

MS. McDONALD PRESENTED

Bill No. 2804

Report of the Committee on Housing, Economic Development and Promotion for December 6, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2566

A Resolution entitled, "Resolution approving the redevelopment proposal dated September, 1995, including the Redevelopment Area Plan, for redevelopment activities in a portion of Redevelopment Area No. 51, Federal North, in the 22nd and 25th Wards of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2567

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Federal North Redevelopment Area."

Which was read.

Also,

Bill No. 2568

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to expend an amount not to exceed $490,000 from the Industrial Land Reserve Fund for site assembly in Redevelopment Area No. 51, Federal North."

Which was read.
Also,

Bill No. 2709

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Community and Social Services Programs in Public Housing Communities" at a cost not to exceed $150,000.00, chargeable to and payable from the 1994 CDBG Programs-Housing Authority, "Community and Social Services Programs in Public Housing Communities" Project No. #04-65-0002-94-410-94-65.—**(PRESENTED BY MS. McDONALD AND MR. FERLO)**"

Which was read.

Also,

Bill No. 2710

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of $1,500,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs, for the Nine Mile Run Acquisition Project. .—**(PRESENTED BY MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2711

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh, providing for the designation of the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs. .—**(PRESENTED BY MS. McDONALD AND MR. HERTZBERG)**"

Which was read.

Also,

Bill No. 2756

A Resolution entitled, "Resolution amending Resolution 377/1995, entitled, 'Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Dept. of Housing & Urban Development for a grant in connection with the 1995 Community Development Grant Program,' by deleting line item St. John's Lutheran Church, $4,000.00 and increasing line item Bloomfield Garfield

Corp. by $4,000.00. **(SPONSORED BY MR. FERLO)."**

Which was read.

Also,

Bill No. 2757

A Resolution entitled, "Resolution amending Resolution 645/1995, entitled, 'Providing for an agreement(s) with various community organizations for operational/administrative expenses,' by changing line item Stanton Heights Civic Association from $10,000.00 to $0, and by increasing line item Bloomfield Garfield Corporation $3,000.00, from $10,000.00 to $13,000.00, and increasing line item St. Mary's Lawrenceville Arts Program $7,000.00, from $5,000.00 to $12,000.00. **(SPONSORED BY MR. FERLO)."**

Which was read.

Also,

Bill No 2758

A Resolution entitled, "Resolution amending Resolution No. 149/1994, entitled, 'Resolution providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing & Urban Development for a grant in connection with the 1994 Community Development Block Grant Program,' by changing City Council line item Stanton Heights Civic Association from $10,000.00 to $0, and increasing line item Bloomfield Garfield Corp., $3,000.00 from $10,000.00 to $13,000.00, and increasing line item St. Mary's Lawrenceville Arts Program $7,000.00, from $5,000.00 to $12,000.00. **(SPONSORED BY MR. FERLO)."**

Which was read.

Also,

Bill No. 2759

A Resolution entitled, "Resolution amending Resolution 375/1995, entitled, 'Resolution providing for an agreement with various community organizations for operational/admin. expenses, maintenance, purchase of equip. and rehab. of facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $1,190.00, chargeable to and payable from the 1995 Community Development Block Grant Program,' by changing line item St. John's Lutheran Church from $4,000.00 to $0, and increasing line item Bloomfield Garfield Corporation $4,000.00, from $9,000.00 to $13,000.00. **(SPONSORED BY MR. FERLO)."**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees. Moving to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

The Chair:

I believe, Mr. O'Connor, you have a proposal.

Mr. O'Connor:

Yes. I have a resolution, I believe you have a copy, requesting and directing the City Clerk to convey to the State Legislative Delegation representing Allegheny County a request, from City Council, to amend the State Code to allow City of Pittsburgh, a Second Class City, to utilize radar devices to enforce posted speed limits.

MR. O'CONNOR PRESENTS

No. 2805 WHEREAS, radio microwave speed measurement devices, commonly known as radar, have been utilized effectively by the Pennsylvania State Police for enforcement of posted speed limits for many years, yet the City of Pittsburgh is prohibited by state law (*Pa. CSA Section 3368(c)(2)*) from using this proven technology to enforce posted speed limits; and,

WHEREAS, it would be in the best interests of both the state and the City of Pittsburgh to allow the City of Pittsburgh to utilized radio microwave measurement devices to enforce posted speed limits.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Pittsburgh enacts as follows:

Section 1.

The City Clerk of the City of Pittsburgh is hereby authorized and directed to convey the following request to all members of Allegheny County's State Legislative Delegation and the leadership of both the State House and Senate:

We, the Members of the Council of the City of Pittsburgh, request that the Members of Allegheny County's Legislative Delegation draft and introduce the appropriate legislation which would amend the Pennsylvania State Code so as to allow a City of the Second Class to utilize radar microwave speed measuring devices (radar) for the enforcement of the posted speed limits in the City's public right-of-way.

Which was read.

Mr. O'Connor:

We feel it is in the best interest of the both the State and City of Pittsburgh to allow the City of Pittsburgh to utilize radar microwave measures devices for posted speed limits.

What this basically is doing, this is a – I think it is a safety issue. Traffic is a major problem in our City. I have numerous requests for, and I know all my colleagues get it, for stop signs, school crossing guards, and we get numerous complaints of speeding. Unfortunately – in fact, at one time, since I have been here, we actually stopped VASCAR because of cost controls. VASCAR may be a

proven tool but it is very costly in manpower, it is slow to set up. In other words, right now, we have to send a request, or a request from neighborhood groups, there has to be a site visit, there has to be lines painted, and usually it takes from a three to six man operation to set this up. And I know a lot of us are very dissatisfied sometimes where they're set up and usually they're in the same spot. In fact, I requested it a few years ago on one section of Beechwood Boulevard, coming off the Parkway, and it was actually to dangerous to set up and no where to pull speeders over, they felt it was too dangerous. Browns Hill Road, there has been two people killed crossing that road, Senior Citizens. We've done everything we can as far as posting signs, turning down the cross walks. I drive through very Schenley Park everyday, it's a speed trap. Also, I see very little to no enforcement now on our school zones. I think this would be a very handy tool for our police officers. All it would take was one officer to use it.

Accordingly, we got reports from the State, there are actually two kinds of general radar devices available at this time, one is a fixed mounted, fixed on the car, the price ranges from 2500 to 3200, and there is a hand-held device, that is only 1200 to $1500.00 each. The Pennsylvania State Police only use the radar that is the fixed mounted on their cars. This also could be used in patrol cars if they were following, even going in another lane or seeing someone going by and following them.

So, I think it is a safety tool and I -- right now it is in the Pennsylvania Law holding us back. I am not saying, even if it is voted for, that the police would -- we would all use it, but I think we ought to have the flexibility or the option to be able to use that to make our street safer.

The Chair:

Other discussion? Councilman Onorato.

Mr. Onorato:

I'm all in favor of it, unless somebody can explain to me that this would be a detriment to trying to enforce the speeding in our neighborhoods. I am sick and tired of what the highways have done to my district. I have neighborhood streets that ten years ago were nice residential quiet streets that are now freeways, and I got kids playing on the sidewalk, and if I can do anything to help provide an enforcement tool, and that includes stop signs, Councilman O'Connor, I know you and I are going to push for that, to deal with the stop sign issues, but anything that can slow down traffic, it is a major concern, a major problem, and it is something that has to be addressed or we're going to have a lot of tragedies on our hand.

The Chair:

Other discussion? Councilman Cohen.

Mr. Cohen:

I also support it. I have been very frustrated by complaints that I have not been able to get satisfied because of an inability to get stop signs up. I have tried at a number of intersections, that I won't go through them right now, but as all my colleagues have, to get stop signs put up.

and I don't know whether it's our Traffic Division here, Engineering and Construction, or whether it is State Law, but -- in fact, it's both, and I am very frustrated that we're not able to stop a lot of speeders through our neighborhoods. It is a public safety issue, that's what this is all about. And, if Councilman O'Connor's resolution will help us to stop speeders in our neighborhoods, I'm all for it.

The Chair:

Other discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. Any other matter to be brought before the body? Councilman O'Connor.

Mr. O'Connor:

A quick matter. This mainly comes from myself and my staff, urging that the City, we send a letter wishing Frank Sinatra on his 80th birthday the very best, and my notes from them are, "from one 'Old Blue Eyes' to another, happy birthday, Frank," and send him -- every one on our floor here loves Frank Sinatra, including, I guess -- everybody over 50, right?

Mr. Cohen:

Please don't start singing, Councilman.

Mr. Onorato:

Mr. Ferlo, as long as there's no singing from Councilman O'Connor, I'll second that.

The Chair:

Having driven to work this morning with "Old Blue Eyes" in my CD -- thanks to Dorry, who gave me a CD yesterday, I did drive in this morning listening to Columbia Records of Sinatra singing Christmas Carols -- or, I mean "Sparkle Carols".

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Any other discussion? Is there a motion to adjourn.

Mr. O'Connor:

So moved.

And on the motion of **MR. O'CONNOR**

Council adjourned.

(BEGINNING - MESSRS. ONORATO, HERTZBERG, COHEN AND FERLO'S COMMENTS ON BILL NO. 2601, WEDNESDAY, DECEMBER 6, 1995)

The Chair:

I had passed around an amendment by substitution that I'd like to throw on the floor, if I can have a motion.

Mr. Ferlo:

Move your substitute bill.

Mr. Cohen:

Second.

Which motion prevailed.

The Chair:

All in favor? Opposed? The ayes have it, the bill as amended.

In front of you – it should be in front of you. If you don't have it, I have extra copies here. If I can just explain what I am trying to do to the bill that was sent over from the Administration and a lot of these amendments reflected the discussion that took place at the public hearing and I'm looking forward to any comments you might have but to try to reach compromise. Everything is under section C. The main change there to start instead of 250 feet from the property line, it's going to be 30 feet. Basically, what we'll be looking at then is, the footprint of the property on the 30 feet will give us leeway dealing with the sidewalk issues. I also added the David L. Lawrence Convention Center. As you know, the Civic Arena and the Convention Center both fall the under the Public Auditorium Authority and under C. I added one "i" and two small "i." The first one – actually right before that, there's one last sentence in C, it says a map detailing the footprint of each of the facilities as shown below. Councilman Ferlo suggested at the hearing that we put the actual map in the ordinance so we have the legal description so we won't have a legal challenge of what exactly the property line is. We have a map here that Mark Pollock has but the actual map with this amendment isn't here but we will have it for the final vote but we have a map we can review.

If you look at one small "I", this deals with the issue of vendors and vending activity on the stadium property. The way the bill is written obviously they can't vend so they have to be off the property line. This would allow vendors and vending activity on the property, if you read through it. The way that's allowed is through an agreement with

the appropriate authority or its designated management company. We heard, I think, testimony of some individuals – one individual who actually has that arrangement right now with the current management company over at the Stadium. There is no reason why we can't be creative with the authorities and the management company having vendors outside either through a revenue sharing arrangement or through an employment arrangement but that's something the authorities can work out and still have the carnival atmosphere outside with the vendors but we have to have control and I believe this is the one way to keep control of the numbers of them and also the control of the revenues. And, the two small "i", a map detailing the footprint of the three facilities in C, above, shall be provided to an individual who applies for a vendors license. Once again, the suggestion was made at the public hearing that an individual that applies for a vendors license should know exactly where they're allowed to vend and they will be handed a map of the three facilities to show what the property line is. So, when they're purchasing the right to sell products they'll know what we're talking about and we can avoid the dispute. I see Councilman Cohen was handed a copy of the map, it's going around the table right now.

Before I open up for discussion, let me just say that this isn't the ideal world and obviously this isn't the way I would want to see the vending issue take place in the City of Pittsburgh. However, it is the real world that we live in with the finance of the major league sports right now and believe it or not, the vending rights and vending values are significant both for the money that is generated outside of the buildings but also for the rights of the concessions inside the building. I stressed at the meeting that Baltimore sold the concession rights for $23 million. They were private dollars, dollars that would not come out of the public coffers which is a big problem nowadays with major league sports of the subsidies from all public levels. I think it's critical that we can control the vendor issue but at the same time, we at least allow an option to have vendors around the facility and I think this is the compromise that can achieve that. I would like to hear your comments, we're going to open up for discussion, we'll go around, everybody wants to talk. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. Chairman. Thank you for this amendment. I have one – at least a couple of comments for you directly. One, do you know if the vendors or some of the vendors or any of the vendors had the opportunity to review this, and their position on it?

The Chair:

Actually, this was finally drafted with changes as early as this morning. I did talk with Mr. -- is it Vetters, he testified. He was an outside vendor and I explained to him what I was doing and he said that -- obviously he wasn't crazy over it but he at least was

happy that there was an option to deal with the authorities and have an agreement to put vendors on the property. He thought that was very significant in his point of view.

Mr. Hertzberg:

Also, it's probably just an oversight in your comments, but we would have three maps actually attached to this legislation when we -- assuming we have a final vote on it.

The Chair:

You're correct.

Mr. Hertzberg:

And, this is pretty much what I was looking for. I support the legislation. Probably, the only thing it doesn't contain is some kind of guidelines for what the agreements would have in them. I don't know if it's appropriate for us to be doing that but I'd suggest that if what happens is, the vendors continue or rather not continue the vendors experience a situation where it's totally unfeasible for them to do any business there, that they come back to this Council and request another public hearing and we'll revisit this but I don't think that's going to be the case. The feedback that I received at the public hearing that we held from the management of the Stadium and the management of the Arena and the Convention Center was that they will try to fashion workable agreements that allow for competition and that allow for everyone with the necessary regulation.

The Chair:

I appreciate your comments. The issue on the specifics of what an agreement should look like, I was tossing that around. I chose to leave it at vague, to leave the powers with the appropriate authorities and management companies because I want them to be creative and have different formulas on how they can have vendors and let me point out that the Stadium Authority currently I sit on but even down the road there will always be a Council Member on there and the Public Auditorium Authority, Councilman O'Connor sits on and when he's gone one day and I'm gone one day and we're all gone, there will always be a Council person on those authorities. But, also looking into the future, there might be a day where these facilities are owned privately again or in a different type of authority and I think to keep a flexibility there only helps whoever is managing the facility to go forward but I am committed to keeping that atmosphere outside of these facilities and I'm looking forward as a board member of the authority to see what kind of arrangements we can have to have the vendor atmosphere around the facility.

Mr. Hertzberg:

And, finally, the boundary as proposed previously has been narrowed down a little bit to 30 feet, right Mr. Chairman?

The Chair:

Yes.

Mr. Hertzberg:

What was the previous proposal?

The Chair:

250 feet.

Mr. Hertzberg:

So, it's significantly cut down now.

The Chair:

Yes. And, that was the issue – the 250 was in the previously bill and I think that was just carried forward. The 30 feet I think pretty much is sending the signal that we're only concerned about the property line, not pushing them beyond the property line, just the property line.

Mr. Hertzberg:

Thank you.

The Chair:

Other discussion? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. Chairman. First of all, I want to commend you for coming up with a compromise, a new option for this. As you said, it just came before us this morning. I know that you stopped by at my office this morning but I was in the middle of a meeting so this is really the first opportunity that I've had to look at this and I think that it is certainly a step in the right direction. My concerns are – I have a couple of concerns.

One is, I just still have not seen and if it has come to us, please let me know but I have not seen it. I have not seen from the Stadium Authority any numbers as to how much damage or how much revenue is being taken – they feel is being taken away from the Stadium Authority vendors by the small vendors? We asked for that at the public hearing. It is not just the fault of the Stadium Authority because we asked the vendors to give us a sense of how much business they're doing out there and I have not seen anything to give me any idea of what the gravity of this problem is.

The Chair:

Well, let's see if it's here because I know have members from the management company and some employees of the Stadium Authority. Is that something that the chairman is going to bring or if we are not going to have it today, can we have number by Tuesday at final vote, if somebody wants to address that issue either Mr. Mark Pollock or Mr. Sacco?

Mr. Cohen:

What we're being asked Mr. Chair and you've been very involved in trying to forge a compromise but we're being asked to approve legislation that will kick out the small vendors, okay. In order to do that, there has to be a compelling reason and for me, at least, a compelling reason is not generalized expressions of how we need to bolster the Stadium Authority and the teams. I want to see it on paper, numbers in writing as to how much these small vendors really do effect the large teams and the Stadium Authority itself. And, honestly, I'm not able to vote for any legislation on that until I see those numbers. I think we just have to see on paper especially during budget time when we're looking at so many line-item numbers, budget numbers, I want see it on paper. If on paper, it shows that there really is some significant damage or taking away of business by these vendors, I mean significant, of the Stadium Authority vendors then I can see supporting this Mr. Chairman because you're putting forth a compromise.

My other issue is that on the question of whether vendors, small vendors, can reach agreement with the David Lawrence Convention Center, the Stadium Authority, the Civic Arena, I have to ask how that will be done. In other words, it allows them to sit a room with them but does it allow them to actually have any chance to reach agreement with them? This doesn't put any burden on the –

The Chair:

– Right. This is – I want to be very up front. This puts the total burden on the management company and the authorities from a total exclusion to allowing 1, 2, 3 or many on the facilities. And, one thing we learned at the public hearing is, even as we speak, there was at least one individual, I think he's in the audience today, that has that

arrangement with the current facility at the stadium where he's out there through an agreement with the management company. So, there's total flexibility here from exclusion to many and it will be in the hands of the authorities of the management companies.

Mr. Cohen:

Okay, well I would like to hear –

Mr. Udin:

– point of order.

The Chair:

Point of order.

Mr Udin:

I appreciate the Chairman's enthusiasm for the legislation and your chairing or your membership on the Stadium Authority but I'm questioning whether or not the Chairman is using the chair to debate each Council persons' point rather than, as you said, going through the entire Council, allowing all Council people to express their various –

The Chair:

– well, Councilman, since these are my amendments, the Administration can't comment on them I have to, I put these in.

Mr Cohen:

I did ask the Chair a question on that one so I don't have a problem with that, I appreciate it. Well, I would like to between now and Tuesday hear from the Stadium Authority on that issue, too, because I don't know what that means. I mean, what this could mean is the vendors come in for a ten minute meeting, no matter what they offer the Stadium Authority says no and they're out the door because there is no legal obligation whatsoever. I would like to hear what the plan is of the Stadium Authority on that issue whether they actually plan to have a fee arrangement with the vendors or anything that they're going to offer these vendors. If that's not the case, then this is just a piece of paper. And, the third is that the map that we were just handed out as you know Mr. Chairman, by looking at it, this is not a footprint of the Stadium. This is a map of the central business district and the North Side business district which includes the Stadium. So, we would have to actually see a footprint of the Stadium first. Those are my

reservations and I really can't vote for the bill the Administration supported or frankly for yours, Mr. Chair, until I see those three things.

The Chair:

Thank you, next. Councilwoman McDonald.

Ms. McDonald:

Yes. I just wanted to say that I was glad I attended the public hearing because it gave me insight on both sides. The concern that I always have is monopolies. I don't believe in big guys pushing little guys out all the time. I think there can be a compromise and not to stifle the big guy either. I think this is a good compromise of 30 feet. I'm still very leery on it but I'll go ahead and give it a preliminary vote of yes but contingent on certain questions being answered and I was just side-barring with Councilman Cohen, before he spoke, that we do need statistics. We need to know what -- I'd like to know what prompted this? Is it a monetary issue we're discussing here solely or is it more like a nuisance kind of thing where certain people are annoyed at having vendors too close to their line. I mean, I need to -- I don't think I have the whole story.

The Chair:

So, is that a rhetorical question or is this one I can answer because I'm on the authority.

Ms. McDonald:

You can do both. You can respond -- I said what I said, you can respond. There it is.

The Chair:

The reason this all came about was because of the increase in the number of vendors and then the Stadium Authority tried to enforce what was on the books. There was a legal dispute over what was the Stadium. Was it the building or was it the building and its property? It went to court. The judge ruled it is only the building. That is not way that the Administration and the Authority were interpreting it so now they're coming back based on a judge's decision to try to correct what the judge explained, it was only the building, but they want it to be the building and the property line and that's what created this whole discussion.

Ms. McDonald:

So, it was the number of vendors?

The Chair:

Number of vendors, the increased activity, because it was increasing every game.

Ms. McDonald:

So, it was a perceptual kind of nuisance kind of –

The Chair:

– and I have to be honest with you. It also was the fact that the sale of the Pirates, the discussion going on with the Steelers. This is coming into play with the value of the concession rights inside that stadium. It's a significant issue for us. It's a very significant issue and it's something that can't be ignored. Like I said, I'm not crazy over this. I'm just trying to keep franchises here and unfortunately this is financing a major league sport.

Ms. McDonald:

Well, again, I'll give it a preliminary and conditional upon us getting more information on Tuesday but I do believe that you worked hard at a compromise. It is a good compromise considering what came out of that public hearing.

Mr. Cohen:

Mr. Chair, if I could just jump in for one quick second. I agree with you and I'm sure that those vendors reduce the value of those concession rights. All I want to know is what is the value of those concession rights and how much are they being reduced?

The Chair:

We'll try by Tuesday, that's fair enough. Councilman Udin.

Mr. Udin:

Yes. Thank you, sir. I think that the basic issues that we're dealing with here is being disguised by the use of these numbers of 30 feet versus 200 feet. I think that is the diversion. If they are 30 feet from the border of the parking lot, it's not much different than if they are 250 feet from the border of the parking lot. It puts them outside of the flow of the foot traffic that is going into the stadium and the question, I believe, that we

have to grapple with is whether or not we want to allow small independent vendors to have access to the public audience that is generated by the events at the stadium or at these other venues, that's really what the issue is.

Moving them 30 feet beyond the property line of the parking lot, it appears that it's just 220 feet less. That's not really what's happening because right now, they are interpreting the ordinance as being 250 feet from the building itself. The parking lot itself maybe another what – 700 or 1,000 feet? So, we're talking about now 1,030 feet. That's not really what the issue is. I think that the information provided by the vendors at the public hearing was very helpful for me. I think that we do need to control the number of vendors who have access to the market. I think that all of vendors have to be licensed and have to pay taxes. I think that the Stadium, somehow, should control that number and control that flow and accountability but has to do so in such a way that they are not monopolizing, they don't use that authority to monopolize, by saying well since we have the controls then we say that only one vendor or unless you are licensed by that one vendor that you can't come through or you can't participate in the market. So, I would like to see a little more time. I do appreciate the work that you put into the amendment and your efforts to try to reach a compromise. I think it was genuine and I think it helps move us forward but rather than forcing the time between now and the next meeting, next Tuesday, I would hope that we could hold this bill for a week so that we could have the time to get the input so that the other vendors could have an opportunity to look at what's being proposed in this amendment or substitution motion and that we can have an opportunity to come back and discuss it. We need a little bit more time I think and I would hope that you would be agreeable to holding it. If not, then I would hope that both the Stadium Authority or the Administration and the independent vendors get busy with the kind of detail that we need in terms of what the revenue generation is and in terms of how they respond to this proposed amendment as soon as possible.

The Chair

Thank you. Councilman Ferlo.

Mr. Ferlo

I agree 100 percent with Mr. Udin who best described what really the issue is that's on the table. I disagree 3,000 percent with his conclusion. I'm a little bit confused. I'm amazed at my colleague yesterday who voted for the swimming pool fees and basically put a financial burden, and I respect the vote, but put a financial burden on working people in this city for increased costs associated with a user fee or user costs. I'm amazed at what I consider revenue amnesia here by some of my same colleagues when we're actually talking about the finances involved at the stadium as it relates to vendors.

The fact of the matter is this is not an issue about monopolization, this is not an issue about civil liberties, this is not an issue about so-called free enterprise capitalist system. It's about whether or not a multimillion dollars business, and that is the Stadium, and all the activities that go on there. Get rid of the Pirate fan flags and get rid of waving the flag for the Steelers, we all love that. This is a business decision, it's a business that's being run there and we should run it based on business principles and that's not what's happened. What's happened – and my colleague Mr. Cohen who is asking about what is the value, that's a fair question but it's going to an extrapolation when we come to the answer. If we had fly-by-night vendors as well as the ones that are actually legally registered who actually paid the business privilege tax and the mercantile tax and everything else, we could maybe extrapolate the number but I know some of these same vendors. I know them very well and I've known them for many years and I'll say very honestly, very publicly that there's no way that the hundreds of thousands of dollars that are being made in the vending activity outside the stadium is being legally recorded and the individuals are paying their fair share. And, if even they were, who cares? That is not the issue.

McDonald's would not allow Jim Ferlo to set up in their lobby and sell hamburgers. Monroeville Mall would not allow me to come into their public right-of-way and sell T-shirts or sneakers outside the GAP or the Foot Locker or whatever and I can use endless examples. The point is this is a hundred of thousands, if not, million dollar issue involving the operation of a business. The only little person that I'm concerned about in this debate is the city taxpayer that for many decades has had a multimillion million dollar debt service on their shoulders. The issue is how do we best run, from a business point of view, the operations of the Stadium? And, as far as I'm concerned, if more serious revenue or at least better accurate revenue can be gleaned from vending operations based on the management of the Stadium by the Authority Board, by Spectacor or whoever happens to be the management group there, that's what I'm concerned about. We should be glad the vending arrangements that do exist at the Stadium provide union and fringe benefits not only to the teamsters and the other folks that are here in the audience but basically provide a better living wage than individuals who basically get called out of the bar room to work one day and basically put some cash in their pocket which is all right. But, the fact of the matter is this is a large financial issue. We are expecting this administration and the board at the Stadium Authority and the management group to glean the most amount of money out of the revenues at the stadium which includes a very large financial issue involving the concessions. I have a specific question, if it's permitted, to bring somebody to the table?

The Chair:

Absolutely.

Mr. Ferlo:

I wanted to show by contrast surely the Spectacor or the management group of the Stadium Authority can at least define, from the concession income point of view, what you currently get vis-à-vis your concession arrangement with the operations that you have. Right now, you have told this Council that your vending operation includes the end stadium stands and more recently you've allowed both vending stands outside on the ramps either directly by Spectacor or you had management lease, or I'm not sure what the price would be, but you basically have management agreements with the gentlemen from Penn Hills sitting behind you and in turn he has to pay -- yes, I would like a second from somebody who knows that money because that figure alone would at least be some indication of the amount of money we're talking about and we did ask for this -- as Mr. Cohen stated, we did ask for financial --

The Chair:

-- let me just ask you this. Identify yourselves, speak into the microphones because we are cable cast and if you can identify who's here?

Mr. Sacco:

James Sacco
General Manager
Stadium Authority

Right. I'm Jimmy Sacco. I'm the General Manager of Three Rivers Stadium, hired by the Authority to run Three Rivers Stadium. Mike McDonald, beside me, is the General Manager with Aramark who has the exclusive right to the concessions and merchandise at Three Rivers Stadium.

Mr. Ferlo:

I think we need some appreciation even setting aside what would only have to be a guesstimate if we're going to extrapolate what the outside vendors are doing. What kinds of numbers does the Stadium Authority and Spectacor deal with as it relates the actual concession activities that you are involved and you actually should be able to quantify? Do you have any idea?

Mr. Sacco:

If I can explain first. Aramark, who is the exclusive concessionaire at the Stadium has about a $5 million investment in the property. That is what gives them the exclusive

right to sell merchandise and concessions in and outside the stadium. This is an amount of money that is given in the way of an investment on concession stands.

Mr. Ferlo:

So, for the exclusivity right, the subcontractor A. R. A. who must meet all the collective bargaining agreements and all the things that you put upon them basically pays the Stadium or you or --

Mr. Sacco:

-- no, they have a $5 million investment in the building to operate. This is $5 million that the Stadium Authority or the taxpayer of the City of Pittsburgh do not have to pay because they pay this for that right.

Mr. Ferlo:

So, it's indirectly. They don't pay directly but they pay for the operations which is enclosed in the $5 million?

Mr. Sacco:

Right. The stands you see, the foundations you see, the grills you see, the tents you see, all that kind of stuff.

Mr. Ferlo:

Now, that's another issue which I've been critical in the past. If anything, the Stadium should be making a lot more money than this lucrative $5 million but I'll get away from that issue.

Mr. Sacco:

No, no. That's just the investment.

Mr. Ferlo:

What's the other income that comes back to the stadium, then?

Mr. Sacco:

On every product we sell if it be merchandise or it be a food product, there is a different breakdown but the normal breakdown on the percentage is a 60/40 split which most of that money goes directly to the teams.

Mr. Ferlo:

Do we have any idea what that income is? In addition to the $5 million in direct costs --

The Chair:

-- Jim, if I could just have a point of procedure. Instead of getting into the break up of the percentages, can you give a total of what is generated through concessions in that stadium? We can deal with the issue of break up later.

Mr. Sacco:

Mike can answer that, he deals with those numbers.

Mr. Cohen:

Mr. Sacco, the 60/40 split. Who gets the 60 and who gets the 40?

Mr. Sacco:

The 60 pays for the wages, the product and the money that Aramark makes off of that.

Mr. Cohen:

I'm sorry, I just didn't understand. You said it's a 60/40 split.

Mr. Sacco:

60/40 split where the 60 percent goes to pay for the actual product, the preparation, the labor, the benefits and all that. Aramark gets their margin out of that which after all that, it's really not as much as everybody thinks.

Mr. Cohen:

Are you saying your costs are approximately 60 percent?

Mr. Sacco:

Mike, why don't you answer it. Tell him what the 60/40 is.

Mr. McDonald:

Mike McDonald
General Manager
Aramark

We pay to the Stadium Authority at 40 percent of each dollar spent.

Mr. Cohen:

Thank you.

Mr. Ferlo:

Okay. Can you give us an idea financially, in addition to the $5 million, what does this involve –

Mr. McDonald:

– for our fiscal year – for fiscal year 1996, we –

Mr. Ferlo:

– gross? Is this mysticism or is this run like a business and you –

Mr. McDonald:

– we expect the sales at the Stadium –

The Chair:

– just so we know you're talking about gross, forget about the 60/40 split. What is generated through concessions? We want to get to that number.

Mr. McDonald

We expect it to be in 1996, $12 million.

Mr. Ferlo:

So, on top of $5 million, there's another $12 million with a differential on who gets it? The $12 million comes back to the --

Mr. McDonald:

--the $5 million was the investment that we put in originally to build concession stands, coolers, fork lifts, trucks, ice machines --

Mr. Udin:

-- those are capital investments.

Mr. McDonald:

Those were capital investments made, right.

Mr. Udin:

$12 million of this is revenue. Forty percent of this goes to --

Mr. McDonald:

-- gross -- gross revenue. Forty percent of which goes to --

Mr. Udin:

-- 40 percent of gross or 40 percent of net goes to the Stadium Board?

Mr. McDonald:

40 percent of the net.

Mr. Ferlo:

So, we are talking about a million dollar here in terms of concession activity, multimillions of dollars. It's your contention that whether you have one vendor or 100 whether it be for hundreds that might be at an all star event or a few of it's 3,000 fans at the Pirate game regardless of how you extrapolate the numbers, that income in your estimate is income that would not otherwise be coming to your -- or at least a good percentage of it, so it's in direct competition what the millions of dollars in revenue that you're relying upon for concessions.

Mr. McDonald:

Absolutely.

Mr. Ferlo:

Okay, the real issue as Councilman Udin states and I agree with him. The real issue is, do you support the exclusivity of the Stadium property, the Convention Center property and the Civic Arena? And, because it needs to run like a business and because we're talking about a public entity that we have such high indebtedness to, that's why I support this. I don't view this as the street corner down at Forbes and Halket. I don't view this as the street corner down at Market Square. I view it differently. It's basically -- if there was a fence up or if the stadium property was domed and the dome ran all the way around the parking lot and the property, maybe it would be easier for us to see physically what it is that we're talking about. But, you know, for out of state vendors to come here and whether we admit that the vendors are hard working, God bless them, I'm sure they're out there wanting to make a buck, God bless them but the fact of the matter is most of them do not pay any of the income and it hurts the revenue base and it hurts the ability to manage properly and glean the proper amount of revenues out of the business activity at the stadium. And, the person we're hurting is the City of Pittsburgh taxpayer who unduly has borne the burden of tremendous amounts of debt service. A lot of money is being made, no question. The Steelers are being enhanced, no question. The pirates are, Spectacor's making a buck, A. R. A. is making a buck, there's no question but all of it has to do with the ability to sustain meaningful employment and business activity at the stadium. So, I guess I fundamentally disagree that this is some kind of a, you know, the little guy vendor or this is kind of a civil liberties, people should be allowed to be on the street vending and it's going to help competition all the kind of rhetoric of the Post-Gazette editorial drivel. I just don't see it as the issue here. Post-Gazette wouldn't let me sell the Tribune Review in the lobby of the Post-Gazette every morning and there's no difference there and that's really what the issue is.

The Chair:

Any more questions because I know we have questions from our colleagues that didn't speak yet?

Mr. Udin:

Yes.

Mr. Ferlo:

I'm done.

The Chair:

I'm sorry, I have other -- the ones that didn't speak yet. Do you have any more questions?

Mr. Ferlo:

No, and I'm just saying we should vote for this amendment. It's really not a compromise. I don't appreciate the sponsor trying to veil it that way as Councilman Udin says. I mean, 130 feet is basically just restating what it should be and basically --

The Chair:

-- now I will comment because I disagree with you --

Mr. Ferlo:

-- let me just finish what I'm saying.

The Chair:

Go ahead. And, I will do it enthusiastically.

Mr. Ferlo:

The property line was changed but basically it still gets back to the point and Councilman Udin. You're providing exclusivity on the actual property, not the perimeter of the stadium building but the actual property known as the Three Rivers Stadium, the Civic Arena and the Public Auditorium Authority. It was true the 250 feet was reduced to 30 and I think we've made clear about the property line and I appreciate the vendors should be made available with the maps. And, it is true that the second point that the sponsor puts down here stipulates what I thought was already clearly stipulated but I think, I'm glad to see that it's in this ordinance. We heard testimony from Mr. Sacco here that basically if there's a level playing field, if the other vendors want to come in and enter into a contractual relationship with the level playing field that they've established, then they're willing to consider it and I think that is a reasonable thing and I'm glad the sponsor put back down that the ordinance --

The Chair:

-- let me just point out that the reason I think this is a compromise and it's different is because, I don't know if all my colleagues know this but, the Golden Triangle is excluded. That's an excluded district. You cannot vend down there and there is no option or no way to cut a deal to have vendors down there. This is going to even be like another category of vendors. There's actually an option under this scenario where we can get on this private property dealing with the authorities, that can't happen downtown. That is truly a district that is excluded for vendors, they cannot get down there. This is going to be even -- it won't be total exclusion, there is a way through a private arrangement to get on the private property so it is a little different. Councilman Ricciardi and then Councilman Cusick and then we'll go around again if anyone has anymore questions.

Mr. Ricciardi:

Thank you, Mr. Chairman. Councilman Ferlo eloquently stated many of my positions but I'd like to engage in dialogue with Mr. Sacco. Mr. Sacco, your company was successful in getting Aramark to make certain capital improvements of the stadium or capital investments of the stadium at $2.5 million and in return I guess you gave some sort of exclusionary or exclusive contract. After listening to vendors, themselves, I really question if they have an exclusive contract to sell their wares at the stadium and I think it's Michael you represent Aramark, so do you feel as though you have an exclusive contract in exchange for the capital improvements and investments you've made at the stadium?

Mr. McDonald:

Under the way it's operating right now, no.

Mr. Ricciardi:

I'll just end with this colleagues. I think I'm very objective when it comes to this issue because in '91, I was one of five members that supported vending legislation by Michael Coyne in the City of Pittsburgh here but to me it's so clear cut. I don't believe anyone has a right either an individual or a business to go on private property without some sort of contract or agreement and market or sale their wares, it's as simple as that. The Stadium Authority -- the Stadium property, it's a private property. Sure, it's owned by the taxpayers however it's a private property and as Mr. Ferlo eloquently stated, what gives anyone a right to go on private property and compete and once again I say compete to those legitimate vendors that have entered into some sort of agreement and arrangement and made capital investments. I mean, it's just so clear cut.

Mr. Sacco:

Mr. Councilman, if I can just give you another point. That $5 million is on a continued basis, it is not a flat. Every year the teams and I go to the concessionaire – the Aramark, the Ballroom service, whomever and ask for continuous improvements in capital projects. Everyday, there's more technology that gives you better equipment to prepare food, sell food and more products and that, so that $5 million continues to grow. Where we're at right now, the teams want certain things done and the concessionaire is saying why should we pay this – when we don't have it, we really don't have the exclusive –

Mr. Ricciardi:

– well, that's a good point. I was just going to say so when you enter into negotiations and discussions with Aramark and others, you have to be at a disadvantage I would think and if you're at a disadvantage that means the taxpayer's at a disadvantage in terms of the capital improvements or the moneys you could get out of those contracts. Am I correct Mr. Sacco?

Mr. Sacco:

It's safe to say that some of the new ballparks that are being built are funded up to 30 to $50 million from concession companies.

Mr. Ricciardi:

Well, I support the legislation before us. I would have supported the initial legislation but once again, colleagues, I just don't believe that someone has a right to go onto private property and market their wares without a contract or agreement, it's just really as simple as that.

The Chair:

Councilman Cusick.

Mr. Cusick:

Thank you, Mr. Chair. I guess my question is, where are the football/baseball organizations in regards to the stadium. What have they been saying? I mean, I know because we have had some conversation about Mr. Gordon and that but let's let the public know what the Pirates and the Steelers think about what is going on around the stadium and how does that hurt them and why do we see teams moving out of Cleveland and Houston and other cities? Explain that a little bit, please?

Mr. Sacco:

Well, at the public hearing, both the Pirates and the Steelers had representatives here. Joe Gordon, from the Steelers, actually spoke. He told his feeling about it. Yes, they do support this. They're very angry over what's going on right now, they're mad how long it took to do this. They kind of beat on me on a daily basis, where are we at with this? I think where we've come is a great – if you want to call it compromise or whatever you want to call it. But, again, we have successfully dealt with a number of outside vendors and they are at Three Rivers Stadium, including minorities and outside interest. Our doors are open to anyone but it has to be on level playing ground like Mr. Ferlo said.

The Chair:

Mr. Pollock, if you'd like to comment, I noticed you wanted to respond.

Mr. Pollock:

I think what has to be brought forth is, we're talking about one number now of $12 million. You have to put this in the context that for all the events that occur in a year at Three Rivers Stadium, 81 Pirate games, 10 football games and all the special events, our gross is $12 million. Camden Yards in Baltimore for baseball alone grosses $50 million. Now, the relevance of this is that the current Stadium Authority and the current management intends to do a lot more things at the stadium, more refreshment stands, more food service places, more gift shops, sports memorabilia places. We want to increase that number. As that number goes up, if there are other people around taking it, then they're takes can be larger which means it hurts what we want to do there, that's number one.

Number, two, we've checked with other cities, other venues, Philadelphia and so forth. We've found no place that allows individuals to sell on their on at the facility. And, number three, I think it's important that the public and the media and everyone else know that this is not a battle of David versus Goliath. I think it's important that we disabuse everyone of that issues because number one, the individuals on the inside who are selling these things are working on a commission, okay, and they're there everyday, all 81 Pirate games. They're there in the cold snowy, rainy days in April when maybe there are only a few thousand people are there and they might not make very many sales at all and they probably lose more money on transportation and parking and so forth. They're there in the September days when unfortunately the Pirates might be out of the race and there's only a couple thousand people there, they go there. The other vendors aren't there, they can pick and choose when there's a big crowd so there is an element of fairness for the small person who is in the stadium working and for all these reasons, this is why the Administration supports this bill and wants it to be passed and ask for your support of it.

Mr. Sacco:

I'd like to just throw one other thing in there, Dan. You know, like Mark said about being there in April and September. Also, we've been very successful in negotiating to bring rock 'n' roll shows back to Three Rivers Stadium, that's been proven in the last four years. One of the questions that are on the questionnaire when I negotiate with an agent for a band is, what is your outside vending ordinance laws? The Grateful Dead came here last year. We basically gave them the building because we wanted to have the show here and the money we made was off of concessions, beer sales, food sales, merchandise sales. They came here thinking that if they would ever come back that this ordinance would be cleared up. If anybody wants to see the numbers that our rock show produces for the city, feel free to call me.

The Chair:

Okay, Councilman, you still have the floor.

Mr. Cusick:

What does the $5 million or what does – exactly what are the improvements that are going on with that money?

Mr. Sacco:

It's an ongoing process. I mean, originally it was original concession stands to build out of those, plumbing, electrical grills –

Mr. Cusick:

– additional seating in that?

Mr. Sacco:

No, there was no seating. It was all amenities up until 1994 when we put in catering kitchens and storerooms and things of that nature.

The Chair:

Councilman, I just want to inform everybody that the Chairman of the Stadium Authority, Mark Schneider, is here and we are copying information he brought with him so we can all have it in front of us as we speak and I think it compares other cities showing the other ordinances in City's like Philadelphia and the money that's involved but we'll talk about that when we have the papers in front of us. Councilman Hertzberg.

Mr. Hertzberg:

Thank you. I just want to make a comment on the particular area that's involved here. It's not my Council District. I don't live there on the North Side fortunately but I travel over there, I get your passports, you allow me over there, I go to a lot of ball games. I've parked in a variety of the places but I don't think – I think if you look at what 30 feet is, we don't have the map in front of us but I have a pretty good picture what it's going to look like and I mean the foot traffic for a sellout ball game starts a mile away actually. I mean, people walk over, they walk over the West End Bridge, they certainly park in town, they walk over and on the North Side the parking is just spread out for about a mile.

The Chair:

Talk to the residents, East Allegheny residents.

Mr. Hertzberg:

Right, exactly. The Community College of Allegheny County in that area, there is tremendous foot traffic from there that's not being regulated at all by this ordinance. So, there is a little bit of compromise going on here with this new bill as far exactly the area being regulated. There will be some room, I think, for these sellout games at least and your low level attendance I don't how much foot traffic you're going to get out there but certainly on your sellout games, I would think there's still enough traffic for some vendors to do some business and not be regulated by this.

The Chair:

Before we ask for anymore questions, I'm going to ask Mr. Schneider for a statement if he wants to explain what he's handing out because I think it's going to answer some of the questions that were already asked. Mr. Schneider, if you want to just explain what this package is.

Mr. Schneider:

Mark Schneider
Chairman
Stadium Authority

I just want to respond to two items that I think Councilman Udin asked and then some other information we found out just about Veteran's Stadium. And, I guess I was intrigued by Veteran's Stadium because Philadelphia has an incredible rich, indeed, vendor community on the streets there. I think people would admit much more than Pittsburgh has. In Veteran's Stadium they basically -- I gave you a copy of their prohibitions under their ordinance for street vending. They basically -- and I'm not saying Philadelphia is the model but they block vending six blocks around the stadium. Now, they have the Spectrum there and at one time they had J. F. K. and Veteran's --

The Chair:

I'm sorry. When you say six blocks, once again, stadium or stadium property?

Mr. Schneider:

It's six blocks surrounding the -- past the building. It includes property that they don't even own.

The Chair:

What about Councilman Udin's issue? What about if there's a parking lot next to the stadium, where does the six blocks start, past the parking lot?

Mr. Schneider:

Yes, absolutely.

The Chair:

Okay, that was the point he was asking.

Mr. Schneider:

That's not what we're suggesting but we're just suggesting even in Philadelphia I think they've recognized the value of the teams, the investment of the concessionaires, the employees that work there. Here, all we're asking for is a reasonable distance from the property that we own. Let me be clear, partly why we're here is because we have

agreements with the teams and our concessionaire that give them the rights to that property that we, the public, own and they paid for that. So beyond just the revenues that we're trying to get to the teams so that they can stay here and we will lessen the burden on the taxpayer, we're trying to enforce our existing contracts.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you very much, Mr. Chair.

Mr. Ferlo:

Mr. Cohen, can I just ask him a question because he mentioned the contracts both? Wouldn't it be the case theoretically that either the Teamsters Union because of the collective bargaining agreement or Aramark and/or Spectacor because of a contractual agreement they entered into with the Stadium Authority relative to exclusivity. Isn't it a fact that they would have at least decent grounds to raise legal action against the public entities because we have not – we have basically violated – I'm not suggesting that –

Mr. Schneider:

– I'm not going to build their case. I'd say it's an issue we ought to be concerned about.

Mr. Ferlo:

I'm not suggesting that they do that but I'm just saying if we want to talk about contractual agreements and grieved parties here in legal standing, I would suggest strongly that those two entities have it. I just want to throw that in there.

Mr. Schneider:

Again, I think that's partly why we're here. We're putting the pressure on them –

Mr. Ferlo:

– they have a lot more than the taxpayer that's been paying the million dollar debt on this stadium.

The Chair:

Why don't we just leave it as that, we have been talking about that issue. It's a very good point, Mr. Ferlo. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. Chairman. I began this discussion, at least my portion of it, with asking for three things and I might be able to get them right here today which would be great. One, is the numbers or some approximation of the numbers with respect to how much revenue you're getting Mr. McDonald and how much you think you're losing. Two, was what the Stadium Authority's policy would be with respect to future vendors. Specifically, this portion of the amendment that Mr. Onorato is putting forward. And third, is the footprint.

Mr. McDonald, you said that your revenues for 1996 you expect to be about $12 million. Can you tell me -- and if there is anything that I ask you which you believe to be confidential, then please let me know. I don't think I will. But, can you tell me what your revenues will be for 1995, what you project them to be at this point?

Mr. McDonald:

For 1995, with a shortened baseball season and the poor attendance, it was in the neighborhood of $10 million.

Mr. Cohen:

And, I hope as you do that the attendance will increase dramatically and I think 10 to $12 million, at least my perspective, sounds like that's realistic. Given that, it's really directly Aramark and indirectly of course the taxpayers who you're saying are losing by having vendors take business from you. Have you done any analysis of what you believe Aramark is losing each year from having the vendors there, actual dollars?

Mr. McDonald

For the larger Steeler games, we anticipated it to be in the neighborhood of 40 to $50,000 a game.

Mr. Schneider:

I ran numbers just in terms of if you just assume 1,000 per 30 vendors which on some that's very high, on some that's very low, it's $30,000 a game.

Mr. Cohen:

You're talking about the peanut guy or the guy who sells the pennants and tankards and stuff?

Mr. Schneider:

Right. That would be $30,000 a game which is $300,000 just for 10 Steeler games and that relates to $120,000 of direct income to the Steelers, that doesn't even include -- that's again what I thought to be a conservative estimate based on my discussion with these folks.

Mr. Cohen:

How about the Pirates? Can you give me some --

Mr. Sacco:

One of the other problems with that, Danny, is like last Sunday, one of the biggest games of the year for the Steelers. N. F. L. properties, who have a right to the Pittsburgh Steelers and every other football team in the league, came in and they did, they went around and checked and there is a lot of unlicensed merchandise being sold. Now, this don't reflect back to us or to you this reflects back to the team. N. F. L. properties gets on the Steelers then they in return fight Mark and fight me.

Mr. Cohen:

So, no pun attended --

Mr. Schneider:

-- in terms of the Pirates. My guess is in 1991 when we were drawing $2 million it would be at least if not more than double that.

Mr. Cohen:

Okay. So, I know that these are very no pun attended ballpark figures but you're saying $120,000 for the Steeler season and how much for the Pirate season approximately?

Mr. Schneider:

I'd say if they were drawing $2 million, at least double that. The Steelers obviously draw close to $600,000, the Pirates would draw close to it.

Mr. Cohen:

And, Mr. Sacco for the concerts and other events, can you give me some figure that you --

Mr. Sacco:

-- depending on the act. I'll give you an example for the Rolling Stones last year where the group actually brings in Federal Marshals to enforce the bootlegging laws. They've arrested people at least making 30 to $40,000 per person.

Mr. Cohen:

These were people who are selling tapes and --

Mr. Sacco;

-- tapes, T-shirts, hats, other paraphernalia. We've arrested guys with $30,000 to $40,000 cash in their pocket. They travel around the country with various shows.

The Chair:

It's $30,000 to $40,000 or $3,000 to $4,000?

Mr. Sacco:

It's $30,000 to $40,000.

Mr. Cohen:

From that particular concert?

Mr. Sacco:

From a particular concert show.

Mr. Udin:

This is based on what?

Mr. Sacco:

On a show like the sold out Rolling Stones concert.

Mr. Udin:

Where did you get those statistics from?

Mr. Sacco:

It's fact, I was in on it.

Mr. Cohen:

You were selling you mean?

Mr. Sacco:

No. If I was selling, I wouldn't be sitting here.

Mr. Schneider:

Yes, that's right. We're in the wrong business, I'll tell you that.

The Chair:

Okay, okay, we don't want personal preferences at the table. If you're answering Councilman Udin's -- I think what he's getting at is when you say you were in on it, how do you know this number? Do you watch them count it or bust them or --

Mr. Sacco:

-- they were arrested. The Federal Marshals arrested them and --

The Chair:

-- you saw the money?

Mr. Sacco:

Oh, yes. This is very normal for when you have 60,000 people to come to a rock show. I mean, it's completely different than comparing that to a gentleman selling peanuts.

Mr. Cohen:

Well, that's illegal activity and obviously has to be prosecuted but for products that they would be selling that would be – and this is going to be my next question to Mr. McDonald – products that they'd be selling that would be similar if not the same to products being sold inside the stadium, what do you believe to be the approximate loss –

Mr. Sacco:

– it's very similar to a Steeler game. I'd base it on the 60,000 in attendance just like that. I mean, I'm sure –

Mr. Cohen:

– you would say about $30,000 per concert and how many concerts did you have last year – this year rather?

Mr. Sacco:

Last year, we only had one but the year before we had four.

Mr. Cohen:

We're talking about very broad figures, we're talking about –

Mr. Schneider:

– I think what Jim's talking about is in terms of going out and getting acts and the staff has done a wonderful job of getting it to where it needs to be for these folks to make money but one of the things they look at is, can they control the sale of their merchandise? It leads into the promoters bottom line.

Mr. Cohen:

I understand, I understand. It looks like from your perspective we're talking about a total of about $400,000 as I add these numbers up. $40,000 on a good concert year, $240,000 from the Pirates, $120,000 from the Steelers. Is that about –

Mr. Schneider:

-- well, that doesn't include the commissions that are paid to Charles, that doesn't include the bottom line.

Mr. Cohen:

No, I understand. All I'm asking is what you all think, and I'm kind of focusing on Mr. McDonald because you're out there doing this, what the revenue loss you believe is from these vendors?

Mr. McDonald:

The numbers you have there, you just used the revenue to the teams. Those numbers were quoted were 40 percent of a total so you're looking at $300,000 for the Steeler games, $600,000 for the Pirate games in a good year. You're looking at close to $1 million in gross sales.

Mr. Cohen:

I see. This would be directly to the team?

Mr. McDonald:

Correct. To the Stadium Authority.

Mr. Cohen:

So, it's back to that old 60/40 split? I see, okay. Mr. Schneider, Councilman Onorato put forth an amend here and in there as you know, it says that vendors -- it's a lot of language there but the vendors would be able to meet with the Stadium Authority and possibly come up with an agreement, I don't mean to paraphrase, but an agreement that would have to be approved by the Stadium Authority. What will the Stadium Authority's policy be if this legislation passes with respect to meeting with the vendors?

Mr. Schneider:

Well, we provided you with three draft copies of those agreements that we've been able to strike with local vendors who have made investments in a joint venture with Aramark. Now, obviously those deals will be tailored to --

Mr. Cohen:

– do we have those, Mr. Chairman? I'm sorry to interrupt you.

The Chair:

When did you provide those?

Mr. Schneider:

They were with the letter that was sent over yesterday.

Mr. Cohen:

I did not see that, I'm sorry.

Mr. Schneider:

It could be that Valerie got the enclosures and maybe we didn't send the enclosures. I don't know if you have –

Mr. Ferlo:

– we only got a cover letter –

Mr. Schneider:

– I'm sorry. Do you have those, Valerie, with you?

Ms. McDonald:

I have them.

Mr. Schneider:

We sent over to you this letter with the enclosures and I guess we didn't send the enclosures.

Mr. Cohen:

If you could just explain it verbally and then provide us –

Mr. Schneider:

-- I'll have Mike and Jim -- they were crucial in negotiating this.

Mr. McDonald:

The contracts that we currently have --

Mr. Cohen:

-- this is the three vendors did you say?

Mr. McDonald:

There's two particular that we have contracts with that are under subcontract arrangements. One of them is, Antar Enterprises also doing business as Ramsey's II . Mr. Ramsey --

Mr. Cohen:

-- did he speak at the public hearing?

Mr. McDonald:

No, he did not. He was not here. Mr. Ramsey pays to us basically 55 percent of his gross sales. Forth and one half percent that go directly to the Stadium Authority, the remainder comes for us and we obviously utilize some of our crude or move some of the stock, those type of things. Mr. Ramsey also operates generally at sold out Steeler games. If Mr. Ramsey chose to operate at a baseball game or an event where the entire teamster role was not used, he would also be required to use a teamster laborer. Same thing is with Primanti's. Primanti's has a larger investment. His commission is a little bit less. His commission is, I believe, 40 percent but he is required to use the teams for labor.

Mr. Cohen:

Do you have any vending agreement -- Primanti's, of course, is inside the stadium -- do you have any agreement with vendors outside the actual facility?

Mr. McDonald:

Currently, no.

Mr. Sacco:

We've had, some have lasted and some have just like after they've sat down and talked with us really didn't want to do it. We've had three others in the past that would have like to have walked away.

Mr. Schneider:

I guess the answer is simple. Why would you come in and pay us commission when right now the judge has said you don't have to.

Mr. Cohen:

I understand that. All I'm asking is – I asked you what you're policy would be, your answer was we have agreements so that's why I –

The Chair:

– what will it be if this passes?

Mr Cohen:

What will be your policy if this passes?

Mr Schneider:

I think what we'll do is try to negotiate something that is fair to all the parties. Obviously, the deal that we'd make with a peanut seller would be different than we would make with somebody who's going to –

Mr Ferlo

– but they have to meet the level playing field.

Mr. Schneider:

Yes. And, I think it has to work for both parties but I think the other thing is, that the staff is starting to look at whether there's any way we can organize this in a cluster way so that we can help any outside vendors. Again, it's a program. It more than just have it to be people running around on the campus that you could potentially look at what other facilities are doing in terms of organizing outside vendors and generating revenue streams for both parties.

Mr. Cohen:

You've answered my questions, thank you.

The Chair:

Is there any other questions? Councilwoman McDonald.

Ms. McDonald:

Did you all ever generate a report that delineates what type of revenue directly goes back to the city residents, taxes, whatever because when you talk about well we lost a million dollars and the Steelers lost this, there's not a lot of sympathy in my heart for $1 million players or big business entity. My concern is, how is it going to benefit the general population and I understand we have to use those terms but for the general public their needs to be some type of message or information as to how million dollars going to the Steelers is going to benefit them. I'm just speaking in very relative terms. I have not seen a report nor have I requested it but I think at this juncture at this time, I'm going to be requesting that I get a report to find out exactly how do the Pirates and the Steelers benefit directly, dollars -- I'm talking about numbers, the residents of the City of Pittsburgh when you all make a couple million dollars for a game in terms of concessions or whatever. How does it impact upon the residents. What's kicked back in terms of people in the community?

Mr. Schneider:

Let me answer that in two ways. One, is I think that we can provide you with the economic impact statements that have been done whether you believe them or not, you know, I don't know. Obviously, they're those multipliers which show about the employment and the revenue generated of the football game or a baseball game and in the season in a whole but let me draw it real close to home. Last year because of what the staff has done at the facility in terms of bringing in concerts, we generated $660,000 in amusement taxes. That doesn't include the parking taxes, it doesn't include the payroll, it's just direct to the City in amusement taxes, $660,000. One of ways we can get Billy Joel and Elton John to come in there and do a $2 1/2 million gig is by convincing them that we control our facility and they can merchandise their product and get the revenues from it.

Ms. McDonald:

Well, that's what I am asking for. Not to belabor the point but I would like to get whatever studies that you would have so that I can speak very clearly and very forthright on how do these games, when we talk about millions of dollars how does it -- you know,

going to the stadium, going to this, going to the Steelers, if I – look, how does it benefit the residents in terms of taxes and that's all because again this is not a question specifically for this resolution, I'm going to support the resolution. I think Councilman Ferlo said it very clearly is, that this is about business, this is about what's right or wrong so I echo his comments but that's my concern and that's a general concern that I have.

The Chair:

And, Mr. Schneider, on the answer that you provide to Councilwoman McDonald and all of us you can also put in there the number of employees that work there and also the fact that we're re-negotiating with a new ownership for the Pirates and possibly with the ownership of the Steelers now. With these lease concessions, somebody has to pick up that tab and for every dollar that comes in from concessions takes a dollar that the public sector doesn't have to put in. I'd like to see all that in analysis because there's other ways that can benefit our residents without going into our coffers. In other words, stop us from spending more so all of that I think should be included. Councilman Udin.

Mr. Udin:

I had a question as to whether or not the representative of the vendors, the independent vendors, is here?

The Chair:

Well, first we have to see if there is no objection from our colleagues. On Wednesday's –

Mr. Udin:

– well, there was no objection to the colleagues of the representatives currently at the table.

The Chair:

That's because they were –

Mr. Udin:

– I just want to find out if they are here.

The Chair:

Councilman, it's point of procedure. These gentlemen get invited to the table because of their role and their capacities of the Stadium Authority.

Mr. Udin:

They have the same role and capacity.

The Chair:

No, they don't. Let me explain. Anybody else that comes regardless of where they are inside of an issue, they can come to the table but the procedure is as long as there's no objections that I have to ask that.

Mr. Udin:

I just inquired as to whether or not anybody was here?

The Chair:

Yes, there is.

Mr. Udin:

How do you know?

The Chair:

Because I saw the gentleman walk in – one of the vendor's walk in.

Mr. Udin:

Who is he?

The Chair:

They're right here. I don't know his name.

Mr. Udin:

No, I didn't ask for the vendor. I ask for the representative – legal representative of the vendor.

The Chair:

Oh, legal representative. I don't know, I don't know. Is there a legal representative from the vendors in the audience, any vendor? Is there a legal representative of any vendor in the audience?

Mr. Ferlo:

No. The gentleman who the Councilman was asking was from Nigro & Malley and he's not in the audience at this time.

The Chair:

I'm not trying to squash conversation. If they're here, if there's no objection, we'll bring them up.

Mr Udin:

Thank you. May I continue?

The Chair:

Sure, you have the floor.

Mr Udin

Did I understand you to say, Mark, that you would be amenable to working out some kind of allowance of licensed vendors other than the exclusive A. R. A. as long as it's controlled; is that what you said?

Mr Schneider:

It will have to be in conjunction with A. R. A. based on our contractual agreements but I guess why we provided Councilwoman McDonald with those agreements, we've been successful at doing that and it's worked both for Aramark --

Mr. Udin:

-- that's my question, when you say in conjunction with -- right now, the only conjunction that A. R. A. has with other vendors is to license them for a fee; is that correct?

Mr. Schneider:

Yes. I guess it's working on a joint venture so that both parties can win. And, yes, we cannot under the way I believe our contract and what I think is right, bring somebody onto the grounds to compete with Aramark but we have been able to do joint vendors which has worked for both parties.

Mr. Udin:

Joint venture other than the kind of current ventures that we heard described at the public hearing. This gentleman in the back here who said that he is an independent business person, he has a license with A. R. A. to have a vending booth outside and he has one inside and he works and he pays A. R. A. a certain commission –

Mr. Schneider:

– he is really with – he is – Mike, you explain that.

Mr. McDonald:

The gentleman that spoke at the public hearing is actually – he is in the room, he's actually an employee of the Aramark Corporation. He is paid a commission. That is how his salary is –

Mr. Udin:

– so, he's really an employee? Do you have any other kind of relationships other than that?

Mr. Sacco:

Yes.

Mr. McDonald:

Yes.

Mr. Udin:

What are they?

Mr. McDonald:

We have them with the Primanti organization. We have them with the Antar Corporation.

The Chair:

I think the Councilman is referring to vendors outside the stadium.

Mr. McDonald:

The only one that operates outside is Mr. Ramsey -- is the Ramsey operation is in a tent at Gate C, John Brewer.

Mr. Udin:

Is he outside by choice by any chance?

Mr. McDonald:

Mr. Ramsey wanted to come into the building. What we did, after speaking to him, it became clear that it would be better to try it outside before he invested a large amount of money in building a stand.

Mr. Udin:

Better from your perspective or his?

Mr. McDonald:

His.

Mr. Udin:

Okay, I have no other questions. I still believe that the issue is David versus Goliath despite your contentions to the contrary. I think it is a question -- I think that the way we treat this authority and the revenue generated by the games create is different than McDonald's. It's a quasi public business and this is a business decision. I don't think any of us have talked about anything other than business. It's not business versus civil rights. We're talking about different perspectives of business and I don't believe that the taxpayers are being hurt by independent vendors out there. I think that what will happen is when we squash independent vendors from being able to access this market, those taxpayers and all of those attendants at these events are going to see the monopolies increase the prices and

that's what's going to hurt and squeeze them. I don't think that we're going to be squeezed by it.

The Chair:

Councilman Ferlo and then we're wrapping this up for a vote.

Mr. Ferlo:

I have to respectfully disagree with my colleague and I want to -- my last comment is, and to set aside all the economics and we're going to talk about people here and values, okay. When I look at the profile of the vendor community, the vendor community that's in dispute here and in question and I look at the profile of the part-time lower wage worker who basically is benefiting from the collective bargaining arrangements and the arrangements with the Stadium Authority Board and the management, I see two profiles that are very distinct and different. The vendor that we've heard from in the main, and Officer Fingerett's an exception, but in the main often times the vendor is not even from the City of Pittsburgh, often times the vendor is not an individual who in fact is paying the business privilege tax and the mercantile tax and we may be talking about anywhere from 30 to 60 individuals in terms of who we are benefiting.

If you look at the profile of the rank and file or often times lower wage earner at the stadium who does at least have the benefit of the collective bargaining process whether it be the teamsters or the like. Often times you're talking about women, often times you're talking about a lower wage worker. When I say a lower wage worker, I mean somebody who has to work the lean times and the mean times. They have to be out there in the rain, as Mr. Pollock stated, when there's 2,200 people at the Pirates, they have to be there and they can be there at gravy time once in a while when we're fortunate enough to host the all stars or Madonna or a playoff game for the Steelers but they always have to be there. But, at least that lower wage earner who often times this is his part-time supplemental income or for some it's their full income, but at least they have the dignity of some collective bargaining insurance and some fringe benefits. So, I would argue if you look at the profile who's benefiting at the gas roots level because of the protections afforded to the business side of this, I would rather cite an error on their benefit as opposed to just a few individuals outside who were not as Councilman Hertzberg rightfully pointed out. There are hundreds and hundreds and hundreds of people that parade across the bridges in order to get to the stadium property and I think Mr. Onorato's bill here would still allow ultimately vending activity but not on the property in question. So, when it gets down to just what you we're really talking about and I know a vendor who made $3,400 cash, worked one Steeler game and I know there were no taxes paid and I know some of the merchandise was not paying the franchise fee that is a level playing field when they have to distribute their equipment or the gentlemen in the audience, I apologize for not remembering your name, when he has to pay his concession items and I know there is a lot

more cash involved than what we're talking about and that's why I really choose to come down on that side.

The Chair:

As prerogative of the Chair, I'm going to have my closing comments if there aren't any other questions but I'll check. I just want to -- I listened here all day. I just want to end because I adamantly disagree with Councilman Udin today only because I agree this is a business and I agree that you're going to have to pay more if this gets passed, if you're the guy going to the stadium. But, I'll tell you what a study shows that people going to that stadium I think it's 30 percent of the people going there are city residents plus 70 percent are suburban residents. This isn't even about how much you pay for a hot dog. This is about protecting the little guy and the little guy are the senior citizens and the people that live in my district that probably never go to a game that have a $20 million loan put into this, another $8 million loan put into this and we have to protect that investment. If that facility was owned by the Rooney family or the McClatchy group, we wouldn't even be sitting here talking about this. They would own the parking lots, they would own the building and they could do what they want as a private owner. The only difference is this is a quasi government facility with a lot of City of Pittsburgh tax dollars in this.

I heard -- there was a few claps here earlier but I'm sorry to say but I have 47,000 in my district that have been funding this facility for years because the county refused to help us except recently with the RAD. The City of Pittsburgh residents have been paying through their nose on this facility. This is to protect the investment that's down there right now, take the burden off the backs of the little guy, the guy paying the taxes, most of them on fixed income, a few of them working in our districts and I resent the fact that the media is characterizing this as if we're kicking off some poor little peanut vendor. We're talking about on one hand from the media telling us to come up with a creative way to say this -- I'll tell you what, why don't we all just sit here and vote for no public dollars to go into the stadium. We'll shut down the stadium, tell the Pirates to leave town, tell the Rooneys' to move out of here and let's see how much money those vendors make on a ramp when there's no activity in there. Let's look at the realities of major league baseball. We didn't set the -- Councilman, I didn't interrupt you. I'm not stretching it, I think it -- that is a stretch as far as saying that we're worried about the little guy paying more for a hot dog. That's the reality of it because I'll tell you what I sit on the Stadium Authority and this break 60/40 it's getting worse. The way stadiums are going now, the teams are getting almost 100 percent of their revenues from concessions and that's the way we're going to have to go if we want to keep them here. It's a decision we have to make. Either we shut down the stadium or we keep it open. I'm still in favor of keeping the teams here. Can we call the vote -- Councilman Cusick, do you have to add something?

Mr. Cusick:

I don't think there's no difference. I think it's cut and dry. I don't think there's any difference than the City selling master vendors license for the Regatta and not allowing anyone else to come within the Point State Park so I think it's cut and dry.

The Chair:

Roll call vote, please.

ROLL CALL

AYES	NOES
Mr. Cohen	Mr. Udin
Mr. Cusick	
Mr. Ferlo	
Mr. Hertzberg:	
Ms. McDonald	
Mr. Ricciardi.	
Mr. Onorato:	

AYES 7 NOES 1.

Affirmative recommendation.

The Chair:

Thank you, everyone.

(END OF COMMENTS)

Prepared By: Mary Anne Hruska
Stenotype Reporter

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, December 19, 1995

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Udin**
Ms. McDonald	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

The Chair:

Good morning, everyone, and would you all please rise for the Pledge of Allegiance, would you please remain standing for a moment of silent prayer so that we may have peace throughout the world. And, also, I think we need a special prayer this morning for our men and women that are abroad during this holiday season representing our country.

At this time I would like to introduce Terra Hienald, she's a 4th Grader, she's nine years old, she goes to Mifflin Elementary School, she's in Councilman Bob O'Connor's District, the 5th District, her mom is here, Patty, and her dad is John. And, Terra is going to lead us in the Pledge of Allegiance. Terra.

Terra Hienald:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

How about that.

Mr. Cohen:

That's better than a gavel.

The Chair:

Thank you. I guess He heard our prayer -- or She heard our prayer, somebody heard our prayer.

We want to thank Terra and her mom for coming down here today, wish them a happy holiday and a Merry Christmas.

Probably the T. V. audience is wondering what happened, but as we pounded the gavel all the lights flickered

after our morning prayer here, so hopefully it's a good symbolism.

We have a number of honored guests in the audience this morning, and I'm very pleased at this time to call on Councilwoman Valerie McDonald.

PRESENTATIONS

MS. McDONALD PRESENTS

No. 2806 WHEREAS, on December 29, 1995, Jacques L. Kahn will end four decades as Executive Director for the Golden Triangle Association; and,

WHEREAS, starting as an office boy, Mr. Kahn worked his way up through the ranks of the motion picture industry. He was awarded the Bronze Star Medal during World War II, and following the war joined Warner Brothers films in Hollywood. In 1950, he became advertising director for the Warner chain of more than 100 theaters in Pennsylvania, West Virginia, and Ohio; and,

WHEREAS, leaving the motion picture industry in 1953, Mr. Kahn formed Feldman and Kahn, Incorporated, known to us today as Kahn & Associates, Incorporated; and,

WHEREAS, the Golden Triangle Association (GTA) became an association mandated to promote downtown Pittsburgh. Kahn and Associates, Incorporated became its management counsel and promotional unit. Today, Kahn and Associates is recognized as one of Pittsburgh's foremost marketing, advertising and public relations firms; and,

WHEREAS, during his 40 years Mr. Kahn has watched the City of Pittsburgh go through many major changes. He has seen the Pirates win the World Series, the Steelers win the Super Bowl, and the Penguins win the Stanley Cup. He has seen businesses such as Gimbels and Hornes leave and has welcomed new business such as Lazarus.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and recognizes Jacques L. Kahn for 40 years of outstanding service to the business community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Friday, December 29, 1995 as "Jacques L. Kahn Day" in the City of Pittsburgh.

SPONSORED BY COUNCILWOMAN VALERIE McDONALD AND COUNCILMEN DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND SALA UDIN

MS. McDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTS

No. 2807 WHEREAS, Michael J. Nichols is one of the Hill District's finest citizens. Mike, as he is known to his neighbors and friends, grew up in the Hill District. He graduated from

Schenley High School in 1979. Presently, Mike is employed by the City of Pittsburgh's Public Works Department, and cleans the streets of Wylie and Centre Avenues; and,

WHEREAS, Mike has contributed much of his time and effort to the betterment of the community. He is a Unit Commissioner for the Boy Scouts of America, a Club Organizer for Campfire Boys & Girls, Vice-Chairman of the NAACP's Youth Chapter, and a storyteller for many programs; and,

WHEREAS, Mike takes pride in the fact that he is considered an African-American role model for the youth. He believes that the relationships he builds will last forever for the children that he impacts; and,

WHEREAS, Mike's spirit, charm and genuine concern for all the Hill District residents has earned him the admiration and respect of all those whose lives he has touched.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates Mike for his outstanding work in the community.

MR. UDIN moved to adopt the resolution.

MS. McDONALD seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2808 WHEREAS, Generations Together, an Intergenerational Studies Program at the University of Pittsburgh, has been working with Pittsburgh community groups and agencies for almost ten years, implementing an on-going project entitled Training Older Adults for Employment in Child Care; and,

WHEREAS, this local program, funded by the Pittsburgh Partnership through the Job Training Partnership Act (JTPA), brings together a diverse group of community organizations and agencies working towards a common goal: to connect the oldest and youngest members of the Pittsburgh community; and,

WHEREAS, by making this connection through meaningful child care employment, the training program benefits the entire community; and,

WHEREAS, since its inception in 1986, Generations Together has provided more than 400 low-income older adults with professional child care skills and job placement; and,

WHEREAS, these older adult trainees must complete a program which involves 100 hours of training with emphasis on knowledge of child development and 30-40 hours of valuable hands-on experience developing child care skills; and,

WHEREAS, the most recent graduating class received their certificates on Wednesday, December 6, 1995 at the University of Pittsburgh and included Blanche Lee, Ruby Bernard, Eileen Brown, Frances Darkins-McCoy, Mary Curry, Maisie Myers, Dorothy Dixon, Prudence Bethel-Ratcliff, Evelyn Harris, Thelma Shelton, Alice Heron, Virginia Tucker, Sheila Holyfield, Walter Walker and Gertrude Johnson.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends a well deserved congratulations to each of the Fall 1995 graduates who have successfully completed the Generations Together program and wishes them the best of luck in pursuing a child care position.

MR. COHEN moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 2809 WHEREAS, the collective bargaining agreement between the Communication Workers of America (CWA) and Bell Atlantic expired on August 5, 1995 and no new agreement has been reached yet; and,

WHEREAS, in its current contract negotiations with the CWA, Bell Atlantic has adopted a hostile approach to bargaining unparalleled in other negotiations between the CWA and all other Regional Bell Operating Companies (RBOCs) despite the fact that with profits of $1.4 billion in 1994, Bell Atlantic is one of the most profitable telecommunications companies in the world;

WHEREAS, every other RBOC reached agreement with the CWA by mid-August, providing for improvements in job security, pensions, retiree health care benefits and wages; and,

WHEREAS, good labor - management relations are critical to the achievement of high performance standards at the work place and the highly skilled technicians employed by Bell Atlantic who are seeking a fair contract are needed to maintain and improve quality communications services at affordable rates for the Pittsburgh area; and,

WHEREAS, CWA members contribute to the Pittsburgh economy and Pittsburgh needs to retain quality jobs.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF PITTSBURGH, that we urge Bell Atlantic to negotiate in good faith and reach a just agreement with the CWA; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Bell Atlantic as evidence of the sincere sentiments of this legislative body.

SPONSORED BY COUNCILMEMBERS JIM FERLO, SALA UDIN, JOE CUSICK, DAN ONORATO AND GENE RICCIARDI.

MR. UDIN moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. COHEN PRESENTED

No. 2810 Resolution providing for the issuance of a warrant in favor of the Pennsylvania State Police in the amount of $1,998.00 in payment for the lease of a terminal, equipment and data circuits for the Bureau of Communications connection to the statewide NCIC/Clean information system. **(PRESENTED BY MR. COHEN).**

Which was read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED

No. 2811 Resolution transferring the amount of $40,000.00 from Code Account 1801, Miscellaneous Services to the Special Parks Program Trust Fund for the 1996 BIG Program in non Community Development neighborhoods for the Department of Parks and Recreation. **(PRESENTED BY MR. HERTZBERG).**

Also.

No. 2812 Resolution transferring the amount of $24,100.00 from Code Account Oliver Bath House Trust Fund, to the Swimming Pool Maintenance Trust Fund. in the Department of Parks and Recreation for wages paid for the off-season lifeguards working at the Oliver Bath House. **(PRESENTED BY MR. HERTZBERG).**

Also.

No. 2813 Resolution providing for the letting of a contract or contracts, or the use of existing contracts for the purchase and installation of a hockey deck surface for the Schenley Ice Skating Rink payable from Code Account, Schenley Park Rink Trust Fund, in the Department of Parks and Recreation. The amount not to exceed $60,000.00. **(PRESENTED BY MR. HERTZBERG).**

Which were severally read and referred to the Committee on Finance and Budget.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MS. McDONALD PRESENTED

No. 2814 Resolution transferring the amount of $1,025.00 from Code Account 1001-2 (100123), Salaries, Wages & Services of Council to Code Account 1001-1 (100115) Miscellaneous Services, Supplies, Equipment, Etc., City Council.—**(SPONSORED BY MS. McDONALD)**

Which was read and referred to the Committee on Finance and Budget.

MS. McDONALD moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTED

No. 2815 An Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 427, Private Communications Systems, Section 427.01, License Requirement, Section 427.03, Definitions, Section 427.06, Length of License (b), Section 427.09, Powers and Duties and

Superintendent (3), Section 4217.11, Compensation for License (a), (d), Section 427.15 (a), (i), (j), Section 427.16, Use of Conduits by City, Section 427.17, Transfers and Assignments (a), (b).

Which was read and referred to the Committee on Lands, Buildings and Procurement.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 2816 Resolution providing for the transfer of $1,100.00 from Code Account 1016, Mayor's Office to Code Account 1034, Commission on Human Relations.

Which was read and referred to the Committee on Finance and Budget.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTED

No. 2817 Resolution transferring the amount $95,000.00 from Code Account 1608, Salaries and Wages, Bureau of Operations, to various Code Accounts within the Department of Public Works. **(PRESENTED BY MR. RICCIARDI).**

Which was read and referred to the Committee on Finance and Budget.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED

No. 2818 Resolution providing for the performance of work by City Forces on private property, being Lots No. 101 through 106, inclusive, as recorded in the Mrs. Margaret Miller Plan of Lots, PBV3, Page 250.---**(SPONSORED BY MR. UDIN).**

Which was read and referred to the Committee on Engineering and Construction.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 2819 Communication from Mayor Tom Murphy informing Council of the re-appointment of Thomas E. Cox

as a member of the Board of the Urban Redevelopment Authority of the City of Pittsburgh for a term to expire December 31, 2000.

Also,

No. 2820 Communication from Eloise Hirsh, Director, Department of City Planning, submitting the recertification of Area "L", Central North Side, for the Residential Parking Permit Program in accordance with the Pittsburgh Code, Title Five, Traffic, Chapter 549, Residential Parking Permit Program, Section 549.06(d).

Also,

No. 2821 Communication from Linda M. Johnson-Wasler, City Clerk, submitting the second and third quarter travel reports for 1995 from various City departments.

Also,

No. 2822 Communication from Paul Hennigan, Director, Department of Finance, submitting a report of securities pledged as collateral by City Depositories as of October 31, 1995.

Also,

No. 2823 Communication from Paul Hennigan, Director, Department of Finance, submitting a report of securities pledged as collateral by City Depositories as of September 30, 1995.

Which were read, received and filed.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 2824

Report of the Committee on Finance and Budget for December 13, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2716

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for 1996."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also, with a NEGATIVE recommendation,

Bill No. 2753

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article III, Business Related Taxes, Chapter 245.02, Levy & Rate, by increasing the earned income tax from the current one percent (1%) to one point one percent (1.1%). **(SPONSORED BY MR. FERLO)."**---(NEGATIVE RECOMMENDATION)

Which was read.

Also,

Bill No. 2754

A Resolution entitled, "Resolution authorizing and directing the Director of Finance and the City Controller to establish the Youth Recreation and Services Trust Fund in a city depository and establishing certain funding and disbursement guidelines. **(SPONSORED BY MR. FERLO)."**

Which was read.

Also,

Bill No. 2755

A Resolution entitled, "Resolution authorizing and directing the Treasurer to deposit all revenue generated by the increase in the earned income tax into the Youth, Recreation and Services Trust Fund (YRSTF) Code Account. **(SPONSORED BY MR. FERLO)."**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

I would like to ask that my comments be brought forward, eloquent comments, I made in defense of this bill.

(REMARKS--SEE ADDENDUM)

The Chair:

Recognizing my Don Quixote initiative here, I would like to suggest that we table the bill, recognizing that I was only the one vote in favor.

Mr. Ricciardi:

Motion to table.

MR. HERTZBERG seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. We will return to fight another day.

Also,

Bill No. 2738

A Resolution entitled, "Resolution authorizing and directing the Director of Finance and the City Controller to establish the Youth Recreation and

Services Trust Fund in a city depository and establishing certain funding and disbursement guidelines. **(SPONSORED BY MR. FERLO).**"

Which was read.

Also,

Bill No. 2755

A Resolution entitled, "Resolution authorizing and directing the Treasurer to deposit all revenue generated by the increase in the earned income tax into the Youth, Recreation and Services Trust Fund (YRSTF) Code Account. **(SPONSORED BY MR. FERLO).**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2747

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $2,490.00 to Deborah Paul, co/o Ted G. Yoakam, Esquire, Attorney At Law, P. O. Box 105, Slickville, PA 15684, in full and final settlement of a slip and fall on City steps on Clover Street on or about May 31, 1990."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2748

A Resolution entitled, "Resolution providing for an agreement or agreements with Charles J. Kolling, Legislative Consultant, for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1996, at an aggregate cost not to exceed during 1996, at an aggregate cost not to exceed thirty-thousand dollars ($30,000.00), chargeable to and payable from Code Account 1017, Miscellaneous Services, Mayor's Office."

Which was read.

Also,

Bill No. 2769

A Resolution entitled, "Resolution transferring the amount of $1,600.00 from Account 1001-1 (100115), Miscellaneous Services, Supplies, Equipment, etc., of Council, to Code Account 1001-2, (100123), Salaries, Wages and Services of Council.— **(SPONSORED BY ALAN HERTZBERG)"**

Also,

Bill No. 2774

A Resolution entitled, "Resolution authorizing a Cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer to the Authority of an amount not to exceed $50,000 for economic development activities. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG)"**

Which was read.

Bill No. 2778

A Resolution entitled, "Resolution providing for the transfer from Code Account 53-1, Stadium Authority Debt Service, Non-Departmental, to Code Account 57, Social Security, Non-Departmental, the amount of $150,000."

Which was read.

Also,

Bill No. 2779

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title Two, Fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes, from 1995 to 1996."

Which was read.

Also,

Bill No. 2780

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $5,000 to Dale C. Dutkowsky c/o J. Kerrington Lewis, Esquire, 1040 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of the action filed at GD93-2008, alleging personal injury sustained due to a slip and fall on South Evaline Street on or about March 20, 1991."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 2781

A Resolution entitled, "Resolution providing for the issuance of a $2,219.00 warrant in favor of Jeffrey A. Scott in settlement of property damage caused by sewer back up."

Which was read.

Also,

Bill No. 2782

A Resolution entitled, "Resolution providing for the issuance of a $2,800.00 warrant in favor of Craig and Carmelita Korbett in settlement of property damage caused by sewer back up."

Which was read.

Also,

Bill No. 2783

A Resolution entitled, "Resolution providing for the issuance of a $2,500.00 warrant in favor of Rudy Sukal, Jr., in settlement of property damage caused by sewer back up."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2784

A Resolution entitled, "Resolution further amending Resolution No. 911, effective September 11, 1992, as amended, by Resolution No. 1013, effective December 31, 1994, entitled,

'Resolution authorizing and directing the Mayor to enter into an agreement or agreements for drug treatment services in connection with the City's Operation Weed and Seed Program, in a total amount not to exceed $850,000' by increasing the total amount to $1,200,000."

Which was read.

Also,

Bill No. 2785

A Resolution entitled, "Resolution further amending Resolution 170 of 1990, to authorize an agreement with a collection agency for professional services in connection with the collection of delinquent charges, taxes, fines, sewage charges, interest and penalties owed to the City of Pittsburgh on an annual basis at a cost not to exceed $250,000 per year, subject to annual budget appropriation, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance."

Which was read.

Also,

Bill No. 2786

A Resolution entitled, "Resolution designating banks and lending institutions to act as depositories for the year 1996 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories."

Which was read.

Also,

Bill No. 2787

A Resolution entitled, "Resolution repealing resolutions approved on various dates authorizing the sale of properties in various wards of the City of Pittsburgh in accordance with Act No. 171 of 1984."

Which was read.

Also,

Bill No. 2788

A Resolution entitled, "Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, to the Urban Redevelopment Authority."

Which was read.

Also,

Bill No. 2789

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program."

Which was read.

Also,

Bill No. 2790

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 2796

A Resolution entitled, "Resolution authorizing and directing the Director of

Finance and the City Controller to establish the "Minority Business Enterprise, Women's Business Enterprise Disparity Study Trust Fund" in a City depository and establish certain funding and disbursement guidelines. **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**"

Which was read.

Also,

Bill No. 2797

A Resolution entitled, "Resolution authorizing and directing the Treasurer to deposit $250,000 into the "Minority Business Enterprise/Women's Business Enterprise Disparity Study Trust Fund (MBE/WBEDSTF). **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**"

Which was read.

Also,

Bill No. 2799

A Resolution entitled, "Resolution authorizing the establishment of the Disparity Study and Implementation Commission. **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**"

Which was read.

Also, with a NEGATIVE recommendation,

Bill No. 2800

A Resolution entitled, "Resolution providing for the filing of a petition for the sale of certain property/ies, acquired at tax sale in accordance with Act 171 of 1984, Second Class City Treasurer Sale and collection Act, that property designated as Block and Lot 80-H-14, 5160 Natrona Way, 10th Ward, Council District 7."—(NEGATIVE RECOMMENDATION)— **(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman O'Connor.

Mr. O'Connor:

Yes, I would like my comments brought forward on 2784, the Weed and Seed.

(REMARKS-SEE ADDENDUM)

Mr. O'Connor:

And, certainly encourage my colleagues to support this bill, it has done an outstanding effort in the Hill District and it's going to go to Hazelwood, and that community, it's a fine community, it has some -- it needs some help, especially the Second Avenue quarter, which I hope this will straighten it out and bring Hazelwood back to where it was. But, I would also encourage that we all fight for and go after our State and Federal officials to bring more and more funds to the much needed communities all over the Greater Pittsburgh area.

The Chair:

Thank you, Councilman. Councilman Hertzberg.

Mr. Hertzberg:

My comments brought forward on that same bill number, 2784.

(REMARKS--SEE ADDENDUM)

The Chair:

Just bring all comments forward on 2784, I think everybody has their hand up on that.

(REMARKS--SEE ADDENDUM)

The Chair:

Councilman Cohen.

Mr. Cohen:

And, these include the Disparity Study Bills, do they not, Mr. President.

The Chair:

Actually all the bills include the Disparity Study Bills, the Weed and Seed, those basically --

Mr. Cohen:

I would like my comments brought forward on the Weed and Seed Bill, and also on the three Disparity Study Bills, 2796, 97 and 99.

(REMARKS--SEE ADDENDUM)

The Chair:

Thank you very much.

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bills having received the legally required number of votes are passed finally.

Also, with an affirmative recommendation,

Bill No. 2749

A Resolution entitled, "Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1996."—(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2750

A Resolution entitled, "Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1996."—(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2751

A Resolution entitled, "Resolution adopting and approving the 1996 Capital Budget and the 1996 Community Development Block Grant Program and approving the 1996 through 2001 Capital Improvement Program."—(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I would like to suggest maybe we go in order of the bills that you have on you, in addition, there may be some that were submitted individually by my colleagues. I would suggest we do the Operating first, since that was the first bill read, as opposed to the Capital, which is the last bill, if there's no objection.

Mr. Cohen:

No objection.

The Chair:

So, if you turn to your Operating folder, and I would ask maybe our assistance from Mr. Onorato on this, that we maybe go through, and I'm going to ask -- I'm not offering the amendment

regarding the Public Safety Director, we haven't filled the position in five years, I don't know why it's in there, but I think a majority is just not clear or undecided on the issue. So, I'm not offering that amendment at this time.

Councilman Onorato.

Mr. Onorato:

Mr. President, as you go through the Operating folder of amendments, let me just point out that there are no proposed amendments from the Administration in there. I personally don't have any with my name next to it. The two sheets you have in there, the Councilman who's sponsoring amendments are named there, and that's Councilman Hertzberg on the one, and Councilman Ricciardi on the other. So, at this time I think it would be appropriate just to go to the sponsor of the amendment.

The Chair:

Absolutely. We're going to go to the sponsor. Since I was first on the bill, I'm just making it clear, I'm not going to offer it at this time. A number of you have indicated that you are expressing the concern that I have, that if we haven't filled the position in five years, why do we keep budgeting the position. I don't think it's really worth arguing about, we'll try to resolve the issue in the coming year with the Administration.

So, turning actually to what's listed on your sheet as a continuation of Page 1, and I would call maybe on Councilman Hertzberg regarding the second amendment. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. The real crux of the issue with this second amendment is the legislation that we'll be getting to later, should work out fine, relative to the Street Cleaning Fine.

Last week we discussed increasing that fine from $7.00 to $20.00. I will later be offering an amendment to increase that fine from $7.00 to $15.00. And, the amendments, as you see in front of you, at least the last three, which I think are the real substance of the amendments, relate to that.

We had projected $250,000.00 increased revenues with the fine at $20.00. With the fine at $15.00, we're projecting $200,000.00 in revenues. And, to get the Community Enrichment Program, which is what this is all about for me, I think it's what -- I think Council speaks in one voice relative to community enrichment, and my goal has been to restore that program in full, to continue what it was, and to make it what it was supposed to be when we planned it in 1994.

So, we have an amendment that would bring the revenue down to $200,000.00 but would increase by $50,000.00, the revenues under Rentals and Charges, Departmental. I've kind of outlined it in a handout that I've given to you. And, that would come from an additional revenue of $6,000.00 in the area of refuse collection, $25,000.00 in the area of picnic shelter rentals, and $19,000.00 in the area of ball field rentals.

And, what I've done is I've been working with the Administration on these figures. The figures that I proposed last

week, the estimated revenues last week, as I indicated then, were very conservative figures, and the Administration, myself, our Budget Director Dave Keller, are very comfortable with re-allocating these additional revenues in those areas and still believe these figures are conservative today.

The other amendment under Parks that I'm proposing is for two Aquatics Coordinators. With the initial proposal from the Mayor to close half the swimming pools, those positions were eliminated, and by oversight in our last round of amendments, the two positions were not included that need to be included to operate the City's swimming pools.

Mr. Onorato:

Second on the amendments.

The Chair:

Thank you. And, Councilman, could you clarify that the Administration is also supporting the Aquatics Instructor.

Mr. Hertzberg:

Yes. The Administration actually proposed that particular amendment.

The Chair:

And, please, for, at least myself, who voted in favor of the ball field revenue and the revenue from Environmental Services, albeit, a reduction in what I wanted. Could you indicate again in your amendment, what is the revenue that's from the Street Cleaning Ticket Fine increase, is that listed here?

Mr. Hertzberg:

Yes, $200,000.00.

The Chair:

Can I just ask a personal privilege here, is it possible to vote separately? I mean I want to vote for your bills, but I don't want to vote for the increase in the tickets.

Mr. Hertzberg:

Mr. President, I have no objection to that procedure at all.

The Chair:

Do you have an objection to that?

Mr. Onorato:

Well, why don't we take the Administration bill that's being sponsored through Councilman Hertzberg first, that's the aquatic position.

Mr. Hertzberg:

Yes, we can do them one at a time, or whatever order you want, Mr. President. I think that was the only controversial item, so that it would make sense.

The Chair:

Well, let's do them one at a time, then. I just very much want to vote for community enrichment, I don't want to vote to raise Street Cleaning Fines.

But, in any event, the motion on the floor then, as an amendment is the initial bill, Regarding Parks, on the

addition of the Aquatics Coordinator. That's the resolution that's on the floor.

Any discussion in regards to this matter, the two budgeted positions, and the Councilman has listed the revenue in the Salaried Account.

(Discussion)

Ms. McDonald:

I would like to have my comments brought forward when we get to the street cleaning.

(REMARKS--SEE ADDENDUM)

The Chair:

Well, that's going to come up now on another bill.

Mr. Udin:

I want to also have my comments brought forward on this discussion from the previous Standing Committee.

(REMARKS--SEE ADDENDUM)

The Chair:

Thank you. Other discussion? With that, roll call vote on the specific amendment regarding the Aquatics Coordinators, you have before you.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Thank you. Now, Councilman, the second revenue, is in relation to the other revenue, as opposed to revenue from the street cleaning.

Mr. Hertzberg:

Yes. The next line item here is the one that relates directly to Street Cleaning Fine increase from $7.00 to $15.00. Again, this is part of a package to restore full funding for the full Community Enrichment Program. Without this line item here we're not going to be able to do that, and I want to thank everyone for all their remarks earlier today, and those that -- I think we all regret having to increase any fees, but I think any fee increase here is a reasonable fee. We're not asking anyone to pay something totally absurd or irrational at all. Some of the fees are user related fees, including earlier the swimming pool fees that still don't get anywhere near covering our actual cost of operation. When we talk about the Street Cleaning Fee, particularly, right now at its current level of $7.00, that fine is less than the fine that you receive when you have a parking meter violation.

And, we've heard from our Director of Public Works, Deputy Mayor Sirabella also, that this is a serious

situation, for two reason, one, safety wise it presents a terrific safety hazard when you have street cleaning apparatus having to jump out into the middle of the street to avoid a parked car, and, number two, from the perspective of those that want their streets cleaned and can't get them cleaned because there's cars parked there. It's a little more serious of a fine, so that the increase the $15.00, is a reasonable one.

And, I would also like to mention that the bill, as amended, and as presented, even last week, contained two defenses that are written into the legislation itself. Number one, if the street cleaning does not occur that day, there are to be no fines levied, and, number two, if it's after the street cleaning, whether it be within the time zone or not, if you have street cleaning from 8:00 to 12 noon, and the actual cleaning occurs at 10:00, once that cleaning has occurred, a resident could pull their car in and park and not be in violation of this provision. Thank you.

The Chair:

Thank you, Councilman.

(Discussion)

The Chair:

Thank you. Other discussion? Hearing none, roll call vote on this issue.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. O'Connor
Mr. Hertzberg	Mr. Onorato
Ms. McDonald	

AYES 5 NOES 4

VOTING NO:

Mr. Cohen	Mr. Udin
Mr. Ricciardi	Mr. Ferlo (Pres't)

And a majority of votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Councilman, your third bill on Parks and Rec.

Mr. Hertzberg:

Excuse me, Mr. President.

The Chair:

You had the third item under Parks and Rec., under Community Enrichment, I believe this is just allocating the revenue from the –

Mr. Hertzberg:

Did we just vote on two line items? I thought it was only the $200,000.00 line item. I think we're on the $50,000.00 revenue line item relative to, as I discussed before, the picnic shelter/ball field.

The Chair:

We voted in the majority, overall, the majority on the increase revenue from the shelters, and this is the budgeted revenue.

Mr. Hertzberg:

Well, any discussion on this? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES 2

VOTING NO:

Mr. Cohen Mr. Udin

And a majority of votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Motion carries. Thank you.

Mr. Hertzberg:

Now we have the actual Community Enrichment Program Increased Expense Line Item, that's the final line item.

The Chair:

I thought we had voted on both, but if you want to vote separately.

Mr. Hertzberg:

No.

The Chair:

Could you clarify it.

Mr. Hertzberg:

Well, I think everyone on Council was in favor of expending the funds now on community enrichment.

The Chair:

Yes, I thought we just voted on that also, but if you want to take a separate vote.

Mr. Hertzberg:

No. The last vote, at least as I explained it, was relative to the line item. I mean we're going through these one at a time. That was the $50,000.00 net change line item.

The Chair:

Thank you, Councilman, for clarifying that.

Mr. Hertzberg:

Now we're on the $250,000.00 full funding of the Community Enrichment Line Item.

The Chair:

Thank you. I misunderstood you.

Roll call vote on actually listing the revenue for community enrichment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of votes of Council being in the affirmative, the amendment passed finally.

The Chair:

I apologize. Other discussion?

On the next sheet, I believe, Councilman Ricciardi, is this your proposal?

Mr. Ricciardi:

Yes. Thank you, Mr. President, and colleagues. I'm going to be brief in my remarks today. I have before us two amendments that are going to be brought forward by two packages. The reason I'm once again presenting this to this body is because at the last Committee Session, unfortunately three Members were absent during the vote and there was one abstention. So, I thought there was a possibility that the two packages could pass.

The first package that I would like to put forward is the first three line items, dealing with the Assistant Chief of Operations, the Assistant Chief of Prevention in the Fire Division, and also the early retirement health care. So, I would like to move on that package.

Mr. Onorato:

Second for discussion.

The Chair:

Council Ricciardi, then Mr. Onorato.

(Discussion)

The Chair:

Thank you. Other discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin

AYES 8 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

And a majority of votes of Council being in the affirmative, the amendment passed finally.

Mr. Ricciardi:

Thank you, colleagues. On the outset, let me say, the next package is not supported by the Administration, but I would still like to bring this forward.

The next package, I would like to make a motion to approve, which will decrease our Health Care Line Item by one million dollars and increase the Premium

Pay Line Item in the Fire Division by one million dollars. I would like to move for approval.

The Chair:

There's a motion on the floor, is there a second.

MR. COHEN seconded the motion.

The Chair:

Second for discussion. Councilman Ricciardi.

Mr. Ricciardi:

Thank you. On that note, colleagues, there's no denying the fact that the Fire Bureau has been under-funded by 2.5 million dollars, if one carefully reviews the contractual arrangements between the Administration and the fire fighters. On that note, I have grave concerns, because I believe there are certain services that are very essential in the City of Pittsburgh, and one of the top priorities of this body and the Administration needs to be fighting fires and preventing fires. And, by under-funding them by 2.5 million dollars, I'm not sure, and I don't believe the Administration is sure, if they can carry out the responsibilities.

I was very disappointed that the Administration came to the table, be it, our Fire Chief, the Deputy Mayor and our Budget Analyst and was not able to tell us how they were going to save 2.5 million dollars, but instead, and we know how the budgetary tactics work, instead just decreased vacancies and premium pay.

On that note, I think we've been making some strives in our health care due to the Administration's initiatives and the support of this body, we see savings of next year up to two million dollars, and hopefully, out of arbitration for the police, we're going to have an additional million dollar savings concerning their own health care once they join the City, which it's my understanding and it has been reported that the Police Department supports that particular move.

I think that decreasing the Health Care Line Item I think we're also going to give the extra incentive to the Administration to save dollars in terms of health care.

So, the amendment is very clear, it will decrease the health care by one million dollars, we'll continue savings on that. We'll review the police arbitration very carefully and we'll have the additional incentive to save monies concerning all of our employees and on the way we carry out our health care programs and preventive programs in order that people, quote, do not get hurt in the City of Pittsburgh.

And, I think it's very important that we put this million dollars and restore the funding into our fire fighters.

I respect one of my colleagues who stated, well, it's not going to be us, though, to close any fire stations. But, what I'm saying is, I think this body does not support closing fire stations in the City of Pittsburgh. As a matter of fact, the body as a whole and in particular Mr. Ferlo, Mr. Onorato and myself initiated legislation, and we went to court to stop that, but we stopped it on a zoning issue

and not on the ability of the Administration to close a fire station.

I don't see much recourse that we have, because I would rather have the money in there and give the additional incentive to save on health care and be able to use that money for fighting and preventing fires in the City of Pittsburgh. I don't want in any way the Administration to say we closed a fire station, or we laid off fire fighters, because the money was not in the budget, that's not going to happen, because we could say, yes, the money is in the budget, it's the additional million dollars that we've put into the budget.

And, Mr. President, you're right, the Mayor can close a fire station, can layoff fire fighters on his own, but let that Mayor, let that Administration do that, because they make the conscious effort or the decision to do it and not because they could come about and say, well, the money wasn't there.

So, I'm going to conclude by saying, let's put the money there. If fire stations close, I in no way want to be a partner in that decision or that act of this particular Administration. Thank you.

The Chair:

Thank you, Councilman. Other discussion.

(Discussion)

The Chair:

Other discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
AYES 4	NOES 5

VOTING NO:

Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. Onorato	(Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

Thank you. Motion to amend is defeated.

I believe that concludes those that were listed in the Operating Budget. Do any of my colleagues have other amendments to the Operating Budget? If not, can we move to the Capital Budget. Beginning with Mr. Onorato, and the Administration I think have a proposal here. Councilman.

Mr. Onorato:

Yes. We're going to take them separately.

(SEE SHEET--Final Capital Budget Amendments--SEE ADDENDUM)

The Chair:

Other discussion? If not, roll call vote on Mr. Onorato's amendment.

Ms. McDonald:

Are they the first three?

Mr. Onorato:

The first three and –

The Chair:

Well, I think the Councilwoman is asking for you to further bifurcate the vote or –

Mr. Onorato:

Let me clarify the amendment. The amendment on the floor that we're going to be voting on, includes the first three line items, two under Planning, one under Mayor, that's ACCBO, the Partnership, Youth Initiative and Serious Offenders Program, then you drop down to Planning, the first two under Planning, ACCBO and the Partnership increasing. All five line items are on the table now.

Mr. Cohen:

Mr. President, also one last thing.

The Chair:

Yes.

(Discussion)

The Chair:

I'm opposed to the Curfew, but aye on the bills. Any other discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the amendments passed finally.

Mr. Salac:

Ayes 9, noes zero, on all bills, except the Curfew, 8-1.

The Chair:

The amendment changes to the Capital Budget have been approved.

Councilman Onorato.

Mr. Onorato:

The next amendment. One line item – well, really two for the funding. Tree Planting increased by 25,000, the monies coming from CDBG reprogram, $25,000.00. This is an administrative amendment. The amendment is from Administration.

The Chair:

Is there a second?

MR. RICCIARDI seconded the motion.

The Chair:

Second. Any discussion? Again, please don't take it out on the trees, put this money back in.

Councilwoman McDonald.

Ms. McDonald:

I just want my comments brought forward from last week, concerning the Tree Planting Program, the Shade Tree Commission and all these trees being planted.

(REMARKS–SEE ADDENDUM)

The Chair:

Thank you.

(Discussion)

The Chair:

Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

And a majority of votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Thank you. I'm sure 50 years from now, when they're producing more oxygen, we'll be appreciative.

Councilman Onorato.

Mr. Onorato:

The next amendment, under Parks, this is the Youth Curfew Program that was originally sent over in the Mayor's Budget, for $100,000.00. This amendment is restoring that $100,000.00 and it's coming from CDBG reprogramming, $100,000.00. The Administration sent this over but there's four colleagues that are co-sponsoring, once again, myself, Mr. Ricciardi, Mr. Cusick and Mr. Hertzberg. We'll take this separately also.

MR. RICCIARDI seconded the motion.

The Chair:

Thank you. I assume it has been seconded for discussion.

My only confusion is the Parks Director didn't seem to know anything about this, and I'm confused, if it's for the administrative activities relative to the Curfew operation, I'm still very much confused as to why it's in Parks. I don't know that I'm going to get an answer to that today. Maybe Councilman Hertzberg has something to share on this, but I'll vote in favor of it, nonetheless.

Other discussion? Councilman Udin.

Mr. Udin:

Aside from my objection to the Youth Curfew Program, I have some very serious reservations about it being placed in Parks –

The Chair:

I don't even know why it's in Parks.

Mr. Udin:

– from a management perspective. There are serious cutbacks already in the Parks and Recreation Budget. There were serious problems in Parks and Recreation before the cutbacks, and now somehow we are placing the administration of this Curfew Program in Parks. From a management perspective, I'm very confused about it, and if Mr. Hertzberg can clarify that, I'd certainly appreciate it.

Mr. Hertzberg:

My only response is this, I think it might have been a reaction to some of the comments by Members of Council in the past, that all the money is going into Enforcement, in an effort to make it –

Mr. Udin:

So, you put the Enforcement money into Parks?

Mr. Hertzberg:

Well, a large number of people, including yourself, Councilman Udin, and including a lot of Members of Council, have said, why are we spending all of this money on Enforcement, you can always spend it some other way. That's the only explanation I have. The fact of the matter is, and I'll let Councilman Cusick speak more on this, the fact of the matter is, I voted in favor of the Curfew, I was reluctant but I went with it, and now I'm going to go and vote yes on the funding for that program that's been proposed by the Administration.

The Chair:

And, just to clarify, also, we, in adopting this budget, we also added and changed the number of Mayoral staff, re-designating them to Public Safety, to work on the whole Youth –

Mr. Onorato:

Point of order.

The Chair:

Councilman Onorato.

Mr. Onorato:

It's a point of order. We just had the Deputy Mayor yell something in verbally through the door, and these are –

The Chair:

Was he showing his white flag again.

Mr. Onorato:

This is an amendment from the Administration, and they are asking that we make a verbal correction. So, I will

ask if we can waive the Rules and change this from the Department of Parks to Department of Public Safety, at the request of the Administration, I want to point out.

MR. RICCIARDI seconded the motion.

The Chair:

So ordered on the Rules change and the appropriate amendment. Mr. Cusick, do you have any concern on this?

Mr. Cusick:

No, I was just going to say that I thought it was an error.

The Chair:

Is everybody clear, it's the same thing but it's back in the DPS, where we added all those other staff that are going to work together on this Curfew.

I don't think it's a question of favored enforcement, it's a question, the Administration says that in order to get this Curfew off the ground, they need the soft money for the networking and they need administratively to get their act together with the administration of the program. How it ended up in Parks, I don't know.

Let's have a good faith vote here. All in favor? Let's have a roll call vote. No, because I'm opposed to the Curfew.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	

AYES 5 NOES 4

VOTING NO:

Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
	(Pres't)

Mr. Onorato:

As we truck along, Mr. President, one more. The Picket Fence Program, if we can read that one.

The Chair:

Let's first resolve the good old Picket Fence Program.

Mr. Onorato:

This is an amendment under Public Works, once again, from the Administration. The Picket Fence Program being increased to the $100,000.00 that was originally in the budget, which we sort of took last week, being funded through CDBG reprogramming for 100,000. This amendment would put the line item at the level it was when the Mayor sent over the budget, and that's $100,000.00 for Picket Fence, CDBG.

The Chair:

Discussion. Councilman Cohen.

(Discussion)

Mr. Ricciardi:

I'm going to be supporting the Picket Fence Program, beyond what anyone does for the Picket Fence Program. Just to let you know, Mr. President, I'm supporting the Pittsburgh Community Services.

And, maybe on this note, I would like to make a motion, to, on behalf of the Chair, to move the Pittsburgh Community Services as a package with the Picket Fence Program.

The Chair:

Is there a second?

The only program is, some people strongly want to vote no and some want to vote yes, and I'm worried if we wrap, am I going to lose the support.

Mr. Onorato:

On the motion.

The Chair:

Councilman Onorato, then Mr. Cohen.

Mr. Onorato:

I'll defer to Councilman Cohen because he already spoke of his opposition on part of it, so I'll defer to Councilman Cohen.

Mr. Cohen:

Thank you. I'll be brief. I don't understand how a fence is being linked with the hungry. I don't understand why these two are being linked.

The Chair:

I think he was hoping to pick up a vote from the hungry.

Mr. Cohen:

In fact, the only way that I would like to link it, frankly, is to take that $100,000.00 for the Picket Fence Program and add it to the Pittsburgh Community Services, so at least we could have it for a beneficial purpose, and that is, an extra $100,000.00 to feed the hungry, at this time.

The Chair:

I would be very much in favor of that, but on a practical level, I don't think there's the majority.

Mr. Cohen:

Well, I make that motion --

The Chair:

If you would like to have a recess so we can discuss this, not violating Sunshine, but -- Councilman Onorato.

Mr. Ricciardi:

I'll withdraw that motion. I'm sorry.

Mr. Onorato:

I would ask that we take them separate, in the spirit of cooperation throughout this whole budget. We've got

a 321 million dollar budget, probably about a 40 million dollar Capital Budget. I'm going to support both bills today, the Picket Fence Program, and that's because the Mayor, obviously, seems to want to keep this line item in there. I think they've been very cooperative on this amendments, by also funding ACCBO and the Partnership, which we know their feeling was to reduce them, but they are back now. We're talking about reprogram dollars, the Pittsburgh Community Services. We've been sending a message to everyone, all groups, that you got to start going lower. This will still put them lower than prior years, other than last year. I think right now, looking at the total budget, it's something that we can do, because you're referring to reprogram money, even under your amendment. So, I'm going to support both amendments, but I think we should vote separately.

The Chair:

Thank you, Councilman. I do want to point out, we had a lot of questions to Deputy Mayor Sirabella regarding the Picket Fence Program. I think the Administration was first to admit that there were some problems in the program. I believe I heard the Deputy Mayor and Public Works folks say that they were very clear that, contingent upon a picket fence, construction would be a signed agreement with either adjoining property owners or some community advocate, that they're either going to do a community garden or doing a cleaning operation.

So, I think it is important to point out that they realized there were some weaknesses in the administration of the program, and I sense that they were wanting to make some changes there.

Councilman O'Connor.
(Discussion)

The Chair:

Hopefully no other comments. Roll call vote on this difficult issue.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES 2

VOTING NO:

Mr. Cohen	Ms. McDonald

And a majority of votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Last, but certainly not least, least in the sense that we have an agency that deals with the least among us, in terms of their living resources and opportunities to sustain themselves. The last amendment is to try to recognize that basically we've held the line and, in fact, in the last few years, have greatly decreased the amount of available funding to Pittsburgh Community Services, at the same time we recognize that just cost of living inflation alone, we have a decrease in the ability of the agency to survive, increased cost of food, increased cost of their Operating Budget. So, even though they've held

their own this past year, in effect, it still is a net decrease in inflation and cost of living. The attempt here is to try to provide them some additional administrative support. This is an agency that has cut back all of its staff to a shorter work week, even though they are working physically a longer work week. At the same time they basically have moved and we want to help them secure the Pittsburgh Community Services Block Grant that they get from the Federal Government through the State, that's over $800,000.00, and I would ask that one of my colleagues move this, since I can't make a motion.

Mr. Cohen:

Move on behalf of the Chair.

MR. RICCIARDI seconded the motion.

The Chair:

Second. Any discussion on this? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of votes of Council being in the affirmative, the amendment passed finally.

The Chair:

The motion carries. Thank you very much.

The last amendment, I'm going to defer at this time. I recognized earlier that we have during the month of January an opportunity to sit down with the Administration and talk about the overall Block Grant allocation. I've spoken with a number of you. There are two other individuals that feel as I do, that we need to re-prioritize the Block Grant, specifically to put additional resources back into the five programs here, that have become the working tools for the Community Development Corporation groups, who are doing economic and housing development, who are part of the growing of the City. But, this would not pass with majority support. I rather than argue it on the floor, I would like to suggest that we defer on this amendment and take an opportunity in January month, to sit down with the Administration, the CDCs, the working groups and talk overall about the prioritization of how we have utilized the Block Grant allocation.

Mr. Hertzberg:

Point of order.

The Chair:

Councilman.

Mr. Hertzberg:

How can you make a motion and then there's no –

The Chair:

There is no motion. Did you have an additional point, an amendment?

Mr. Hertzberg:

I just wanted to point out that I also distributed these proposals to the URA Board at our meeting last week, together with the community organizations' presentation materials from the public part of the budget, and it was discussed and will continue to be discussed by the Board.

The Chair:

Thank you. And, I think a vital part of that discussion should be yourself and Director Birru from the URA, and I would like to suggest that we try to do that maybe in the third week of January. But, I would like to open it up to the representatives at the neighborhood level, they are part of the bricks and mortar grow of the City. I sense that there a rededication and an increased allocation of dollars to the Downtown/North Shore area, I don't want that to be at the expense of the other 90 neighborhoods. And, I think we've reached a point where we really need to talk about how the Block Grant dollars have been prioritized. Certainly Councilman Udin, Councilwoman McDonald, has made reference to that, I think I've been very adamant through the last few weeks about that situation; in fact, it's the reason why I'm voting no finally on the budget.

Is there any other discussion? Any other amendments, in either the Capital, anything else that's on the floor? No other amendments to any three of the budgeted amendments? Councilman O'Connor, and then we'll let Mr. Onorato speak first, and there's no need to lobby, so you can -- all right. Councilman O'Connor.

Mr. O'Connor:

On the Capital Budget, this is CD money allocated -- reduce from Citizen's Alliance to add to the -- $2,000.00 to the Shepherd Wellness Center.

MR. ONORATO seconded the motion.

The Chair:

This is a change in the allocation. Thank you very much. Any discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Any other amendments to either the fixing of the officers, the employee rates, number of positions, the actual Operating Budget allocations, or the CD/Capital Budget? Hearing none, I would like to defer to Councilman Onorato.

(Discussion)

The Chair:

Any other discussion? Hearing none, we are specifically voting on the three finally adopted budgets that were mentioned earlier, and we will have a roll call vote. There are actually three bills, as we mentioned earlier, that were called, why don't we have the Clerk just read them again, just so we're clear on the three bills.

Mr. Udin:

Point of order.

The Chair:

Councilman Udin.

Mr. Udin:

Are we voting on all three bills together or –

The Chair:

Well, we read all three bills and debated and modified them at length and they're all up for discussion.

Mr. Udin:

That's not my question. My question is whether or not –

The Chair:

Yes, I'm sorry, we are voting on all three.

Mr. Udin:

It will be one vote on all three or will we have three votes?

The Chair:

No. We're calling all three but you have to vote separately on each bill. But, if you would like to take them separately, that's fine, too.

Mr. Udin:

I just want to have the opportunity to vote no on the Capital Budget in line and harmony with the sentiments that you expressed.

The Chair:

Very good. Let's just take them separately, just so we're clear on the vote.

Bill No. 2749

A Resolution entitled, "Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1996."---(AS AMENDED)

Which was read.

The Chair:

Roll call vote on the Operating Budget.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2750

A Resolution entitled, "Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1996."—(AS AMENDED)

Which was read.

The Chair:

Again, this is on the Operating Budget, the exact number of employees and the actual pay, including the two percent allocation that we spoke about in Council's Budget.

Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2751

A Resolution entitled, "Resolution adopting and approving the 1996 Capital Budget and the 1996 Community Development Block Grant Program and approving the 1996 through 2001 Capital Improvement Program."—(AS AMENDED)

Which was read.

The Chair:

Roll call vote on the Capital/CDBG Budget.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	

AYES 7 NOES 2

VOTING NO:

Mr. Udin	Mr. Ferlo
	(Pres't)

The bill having received the legally required number of votes passed finally.

The Chair:

All three bills have been approve finally by an overwhelming majority, and they are passed, and they represent the 1996 Budget for City Government, both the Operating Budget, as well as the allocation of both the Capital Bond Funds and the Community Development Block Grant allocations.

At this time, if Councilman Onorato has any additional comments?

Mr. Onorato:

No, Mr. President.

The Chair:

Thank you very much. That concludes the Budget portion. We have some other bills among the other Standing Committees of Council.

I would like to ask, I believe we are going to recess this meeting and have another final Legislative Session following the Standing Committee Meeting tomorrow, and if we agree with that. Because it was such a long meeting, I wanted to ask, respectfully, if we could recommit 2786, regarding the year end bank depositories. The resolution on the table didn't have the full explanation here, and there maybe an answer for this, and if somebody can answer, that's fine, but I was concerned because it looks like we're not putting money into banks, like Iron and Glass Bank, Community Savings Bank, in my area, North Side Bank, and all the money now would just go to the three large banks, Mellon, PNC and Integra. There may be just a simple explanation, but I personally don't necessarily want to not have revenue in those other neighborhood-based banks, they're also important to this City, and I wanted to respectfully ask if we could at least hear a further explanation on that. It was such a long meeting, I didn't bring it up.

Mr. Ricciardi:

Well, since this meeting will be recessed, I'll make a motion to recommit for tomorrow's Committee Session.

MR. UDIN seconded the motion.

Mr. Hertzberg:

One abstention, please.

The Chair:

Thank you. Recommittal on 2786.

WHICH MOTION PREVAILED.

The Chair:

And, could we communicate to Director Hennigan just to give us a little explanation. There may be a very good reason why that's being done but I don't know what it is.

Mr. Onorato:

Point of procedure, Mr. President.

The Chair:

Councilman Onorato.

Mr. Onorato:

Are there three negative bills up on the table also.

The Chair:

We tabled those at the beginning of the meeting.

Mr. Onorato:

Oh, that's right.

The Chair:

On other bills?

(Discussion)

MR. RICCIARDI PRESENTED

Bill No. 2825

Report of the Committee on Public Works, Water and Environmental Services for December 13, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2689

A Resolution entitled, "Resolution authorizing and directing the Director of Public Works to establish a fee schedule for the collection of municipal waste from all public and private schools, religious institutions, civic organizations, group homes and clinics in the City and authorizing and directing the Director of Public Works to establish and maintain a system for the collection of said fees."---(AS AMENDED BY SUBSTITUTE)---**(SPONSORED BY MR. FERLO AND MR. HERTZBERG)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Please remember, we already approved the revenues on some of these bills.

Councilman Hertzberg.

Mr. Hertzberg:

Thank you. That's a good point, Mr. President, and I'll remind everyone again that the revenues are in the budget from these two bills.

But, I do need to make amendments that I promised that I would make at the Standing Committees Meeting.

I make a motion to amend Bill No. 2689, the amendment is in front of you. And, if I get a second, I'll briefly explain.

MR. CUSICK seconded the motion.

Mr. Hertzberg:

The bill takes out of the Refuse Collection Plan private schools and clinics, and these amendments are in response to the opinion of our City Solicitor.

The Chair:

Thank you, Councilman. Does everybody have an understanding of the amendment you have before you?

Roll call vote on the initial amendment, as proposed.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES 2

VOTING NO:

Mr. Cohen Mr. Udin

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

The bill is amended.

Also,

Bill No. 2772

A Resolution entitled, "Resolution establishing a schedule of fees for rental of buildings, ball fields, shelters, picnic facilities and other facilities in the parks. **—(SPONSORED BY ALAN HERTZBERG)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Hertzberg:

Yes. Bill No. 2772, there's an amendment in front of you. I make a motion to amend 2772. I make a motion to amend it as has been distributed.

MR. ONORATO seconded the motion.

The Chair:

And, could you just clarify that.

Mr. Hertzberg:

Sure. Just to iterate in writing our policy, all ball field permits are free of charge to youth 18 years of age and under. That's the single amendment here.

The Chair:

Thank you. If there's no discussion, roll call vote on the amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES 2

VOTING NO:

Mr. Cohen Mr. Udin

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Other discussion? Councilwoman McDonald.

Ms. McDonald:

Discussion on the bills. I would like to have my comments brought forward on Bill No. 2689.

(REMARKS - SEE ADDENDUM)

(Discussion)

The Chair:

Thank you. On Bill 2689, just so the Steno and the Clerk's Office is clear,

the word fewer is specifically underlined and not crossed out. It looks like it's crossed out on my bill. The intent here is to amend the word fewer as part of the legislation.

Councilman Udin.

Mr. Udin:

Comments brought forward, please, on this bill.

(REMARKS -SEE ADDENDUM)

The Chair:

Thank you.

(Discussion)

The Chair:

Other discussion?

Mr. Onorato:

Call the question.

The Chair:

Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES 2

VOTING NO:

Mr. Cohen Mr. Udin

The bills having received the legally required number of votes are passed finally.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I just want to bring my comments forward on those bills.

(REMARKS–SEE ADDENDUM)

The Chair:

Moving to Report from Lands, Buildings and Procurement. Councilman O'Connor.

Mr. O'Connor:

Mr. President.

The Chair:

Thank you, Mr. O'Connor.

MR. O'CONNOR PRESENTED

Bill No. 2826

Report of the Committee on Lands, Buildings and Procurement for December 13, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2798

A Resolution entitled, "Resolution authorizing and directing the Director of General Services to hire a consultant to conduct a Disparity Study documenting discrimination in City contracting against minority and women owned businesses. **(PRESENTED BY MR. FERLO, MR. UDIN AND MS. McDONALD).**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I would like to indicate at this time, in terms of the ability to appoint special committees. Councilman Udin has offered to volunteer, pretty much the next year and a half probably, of his time, talents and expertise, along with some of his staff, I'm sure, to help head up, at least as Council's liaison, this whole Disparity Study initiative. It's going to be a lot of hard work and I want to thank him for coming forward.

So, contingent upon the passage of this bill, I would also like to indicate the appointment of Mr. Udin to head this special committee because we need someone to help facilitate the organizing, the intent of these resolutions facilitating the Administration to move on the bills, helping to facilitate the appointments to the Commission, helping to convene the initial meetings of the Commission and help providing some chairmanship role in moving the work of the Commission forward, and it's a big task and I appreciate the colleague for agreeing to step forward, as his leadership is needed.

Any other discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Udin
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 9 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Again, just on that bill, I would ask my colleagues to please begin to recruit potential nominees from your district to that working committee on the Disparity Study and Implementation Commission and maybe we can confer prior to the formal nomination of those individuals so we can be assured that we have some gender composition or neighborhood composition, others want private sector individuals. So, please, let's try to do that in the next couple of weeks.

Moving to Public Safety Services Committee, Councilman Cohen.

Mr. Cohen:

Mr. President.

The Chair:

Thank you. Thank you for your patience.

This bill has, at least from the Committee level, has a negative recommendation.

MR. COHEN PRESENTED

Bill No. 2827

Report of the Committee on Public Safety Services for December 13, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2770

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title Five, Traffic, Article VII, Parking, Chapter 541, General Parking Regulations, Section 541.07, by adjusting the specific fine for violation of 541.01 (c)(4) for street cleaning violations.—(AMENDED BY SUBSTITUTE)—**(SPONSORED BY MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Hertzberg and then Mr. Ricciardi.

Mr. Hertzberg:

Yes, Mr. President. We have already voted on a budget which includes the revenues from this particular bill, with an amendment, which I will make right now. I move to amend the bill.

MR. ONORATO seconded the motion.

The Chair:

Just to clarify the amendment, even though we've dealt with it a little bit.

Mr. Hertzberg:

Sure. The amendment is to make the fine $15.00. The previous proposal was 20.

The Chair:

Thank you very much. From 7 to 15, not 20.

Mr. Hertzberg:

Yes.

The Chair:

There has been a second. All in favor of the amendment?

Roll call vote on the amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES 2

VOTING NO:

Mr. Cohen	Mr. Udin

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

The bill is amended.

Discussion on the bill itself, if we really need any? Councilman Hertzberg.

Mr. Hertzberg:

Just in case Page 2 isn't in front of you, because the amendments themselves don't have Page 2. This bill does contain the two defenses that I described earlier. It is in there on Page 2. I'll remind the Clerk's Office, please include Page 2.

The Chair:

Can I ask on this point, although I do not have it in writing, and I think you know how I feel about this bill, would there be any objection to suspending the Rules, to add that this language be issued on the citation, since individuals --

Mr. Hertzberg:

No objection, Mr. President.

The Chair:

So, at least we have some due process out there?

Mr. Onorato:

I will make that motion for you.

The Chair:

There's a motion to suspend the Rules. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Motion, as the Chair suggested, that this language be specifically delineated on the citation by the parking officer.

Mr. Onorato:

So moved.

MR. CUSICK seconded the motion.

The Chair:

Discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Motion carries. Thank you very much. Councilman Ricciardi.

Mr. Ricciardi:

Yes. Thank you, Mr. President. Colleagues, I would like to say a few things on this particular bill. First of all, I appreciate the initiative of the sponsor of the bill and the people that have voted in the affirmative. I also understand that in the past, for example, when it came to keeping the swimming pools open, I was able to support that entire package and hopefully all the pools will be open. When it came to keeping the Community Enrichment Program open, I supported 90

percent of the package. And, however, I want to make this perfectly clear that, I realize not supporting the entire package, in a way my district, especially the Knoxville Community will benefit from the vote of others, and I appreciate that.

However, I could not vote for this particular fine increase because of the shortage and the difficulty of parking in the South Side Community, especially on the Flats. There comes times that people are willing to absorb the additional cost or the fine because there's just no place to move your car, there's just no place to put your car. So, there was no way I could support this.

But, I really wanted to thank those that did vote for this and the sponsor of the bill. because I understand, because of your package the Community Enrichment Programs are going to stay open, and I think all those that did not vote for the package as a whole, are going to benefit and their constituents are going to benefit from those that did vote for the entire package. I was very pleased to vote for the entire package for the swimming pools and pleased I was able to support 90 percent of the Community Enrichment Program. However, when it comes to the shortages and difficulties of parking in the South Side, I just could not bring myself to vote for this particular increase. Thank you.

The Chair:

Thank you. I won't beat a dead horse, I made comments earlier. I'll only ask my constituents to please be mindful, I did not vote for this bill. This bill is killing our residents. I resent that's it has been introduced and I'm just opposed to it, encourage any of my constituents to please call my other colleagues and not me or my office, when they get their citation.

Any other discussion? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. O'Connor
Mr. Hertzberg	Mr. Onorato
Ms. McDonald	

AYES 5 NOES 4

VOTING NO:

Mr. Cohen	Mr. Udin
Mr. Ricciardi	Mr. Ferlo
	(Pres't)

The bill having received the legally required number of votes passed finally.

The Chair:

I believe that concludes all of our bills. That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motion and Resolutions, Councilman Ricciardi.

Mr. Ricciardi:

Thank you. I'll be very brief. I would like to personally thank our Finance Chair, Dan Onorato, for all his fine work, hard work, in really helping craft this particular budget. I think he really deserves many of our thanks and I personally would like to thank him.

I also would like to thank Linda Johnson-Wasler for her leadership and initiative over our City Clerk Staff, very professional work, they were always there when we needed them and they were very helpful. I would like to thank each one of them personally but especially Linda for all your fine work and your leadership that you've brought to the City Clerk Staff. Thank you.

The Chair:

Thank you. And, let that be a collective thank you from all of the colleagues here to the Budget Staff, the Chairman Mr. Onorato, and all of the Clerk's Staff. It's a difficult time of year and we appreciate the extra effort made by everybody.

We have a formal public hearing, which I would like to suggest begin about 12:20. given the hour. This is on the IPOD Legislation. I want to comment, though, I'm voting no on that. I'm very upset that this is coming up so late in the year. We have Zoning Bills that Mr. Onorato and I have introduced on Conditional Use, on Group Homes, on everything else, those bills have never come back to this Council in the last year and a half and now we're expected to whiz through this whole issue of zoning for institutions in Oakland. And, I'm telling you right now, I'm not voting for it, I'm very upset about the process.

Mr. Cohen:

Motion to close this meeting before we start the next one.

The Chair:

We will be recessing this meeting, meeting again tomorrow, Wednesday, December 20th, immediately following the Standing Committee Meeting.

MR. COHEN moved to recess this meeting and meet tomorrow following the Standing Committees Meeting.

MR. CUSICK seconded the motion.

Which motion prevailed.

And on the motion of MR. COHEN

Council recessed.

Pittsburgh, PA
Wednesday, December 20, 1995

And the time of recess having expired, Council reconvened.

The Chair:

Good afternoon. At this point I would like to reconvene City Council's Legislative Session from yesterday. We're going to conclude on a number of bills from the Standing Committees, all of the Committees, Finance and the Budget on down, and in order to expedite this, if there's no objection, I'll dispense a little bit with traditional rules, rather than

calling each Chairperson to read the bills, I would ask that the Clerk read all of the bills on the respective Committees, if there's no objection.

Would the City Clerk please read the bills from the various Standing Committee Meetings this morning.

MR. ONORATO PRESENTED

Bill No. 2824

Report of the Committee on Finance and Budget for December 20, 1995, transmitting one resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2813

A Resolution entitled, "Resolution providing for the letting of a contract or contracts, or the use of existing contracts for the purchase and installation of a hockey deck surface for the Schenley Ice Skating Rink payable from Code Account, Schenley Park Rink Trust Fund, in the Department of Parks and Recreation. The amount not to exceed $60,000.00. **(PRESENTED BY MR. HERTZBERG).**"

Which was read.

Also,

MR. RICCIARDI PRESENTED

Bill No. 2825

Report of the Committee on Public Works, Water and Environmental Services for December 20, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2688

A Resolution entitled, "Resolution authorizing and directing the Director of Public Works to cease and discontinue the uncompensated collection of municipal waste from all public and private schools, religious institutions, civic organizations, group homes and clinics in the City, effective January 1, 1996.—**(SPONSORED BY MR. FERLO AND MR. HERTZBERG)**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Onorato
Ms. McDonald	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo

AYES 6 NOES 1

(MR. UDIN VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2792

A Resolution entitled, "Resolution granting unto Charles D. Thomas, 1 Bailey Avenue, Pittsburgh, Pennsylvania, 15211, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicap ramp on a portion of the right-of-way at 1 Bailey Avenue in the 18th Ward, 2nd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2793

A Resolution entitled, "No. 2793 Resolution granting unto the Lincoln Property Company, 35 Highland Road, Suite 1104, Bethel Park, Pennsylvania, 15102, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, for installation of a private sanitary sewer and one manhole in the right-of-way of River avenue Extension in the 23rd Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2794

A Resolution entitled, "Resolution granting unto Goodwill Industries of Pittsburgh, South Side Retail Store, 2700 East Carson Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, twenty-nine (29) caissons which serve to support the structure on a portion of the right-of-way along Carey Way, South 27th Street and East Carson Street in the 16th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

MR. UDIN PRESENTED

Bill No. 2828

Report of the Committee on Planning, Zoning and Land Use for December 20, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2623

A Resolution entitled, "Resolution providing for the designation as a historic structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure known as the Sellers-Carnahan House, located at 400 Shady Avenue, designated as Block and Lot Number 84-L-215, in the Seventh Ward, City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. Onorato	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 6 NOES none

(MR. O'CONNOR ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 2664

An Ordinance entitled, "Ordinance supplementing the Pittsburgh Code, Title Nine, Zoning, by creating an Interim Planning Overlay District for the entire Oakland area, limited to an eighteen (18) month time period, including regulations for submission of a Project Development Plan for Planning Commission review and approval."

Which was read.

Also,

MS. McDONALD PRESENTED

Bill No. 2829

Report of the Committee on Housing, Economic Development and Promotion for December 20, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2740

A Resolution entitled, "Resolution providing for an agreement or agreements for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, Lawrenceville Development Corporation and West End-Elliott Joint Project, at a cost not to exceed $80,013.56, chargeable to and payable from the Community Based Organizations Trust Fund."

Which was read.

Also,

Bill No. 2775

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 18th Ward of the City of Pittsburgh being designated as Block and Lot 14-A-324, under the Industrial Land Reserve Fund. **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**"

Which was read.

Also,

Bill No. 2776

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and George R. and Janice McCollum for the sale of Block 14-A, Lot 324, in the 18th Ward of the City of Pittsburgh for $500.00 -- Industrial Land Reserve Fund (parking). **(PRESENTED BY MS. McDONALD AND MR. HERTZBERG).**"

Which was read.

Also,

Bill No. 2791

A Resolution entitled, "Resolution amending Resolution No. 162, approved March 22, 1995, entitled, 'Resolution providing for an agreement or agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $97,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning' by deleting South Oakland Citizens Council $3,000, and adding Oakland Planning and Development for $3,000.00.— **(SPONSORED BY GENE RICCIARDI)"**

Which was read.

Also,

MR. O'CONNOR PRESENTED

Bill No. 2826

Report of the Committee on Lands, Buildings and Procurement for December 20, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2777

A Resolution entitled, "Resolution providing for a lease agreement with St. John Vianney Parish for use of space at 430 Cathedral Street as a Community Oriented Police Station."

Which was read.

Also,

MR. HERTZBERG PRESENTED

Bill No. 2827

Report of the Committee on Parks, Recreation and Youth Policy for December 20, 1995, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2746

A Resolution entitled, "Resolution authorizing and directing the Director of the Department of Parks and Recreation to put out a bid for advertising rights on the Schenley Park Ice Skating Rink floor and walls. The Director is also authorized and directed to prepare a revenue forecast for a twelve month period to be submitted to City Council. **(SPONSORED BY MR. ONORATO)."**

Which was read.

Also,

Bill No. 2773

A Resolution entitled, "Resolution establishing a schedule of fees for rental of the Schenley Park Rink, the Skating Rink's Meeting Room and Recreation and Senior Citizen Center. — **(SPONSORED BY ALAN HERTZBERG)"**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Onorato
Ms. McDonald	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo

AYES 6 NOES 1

(MR. UDIN VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

MR. COHEN PRESENTED

Bill No. 2830

Report of the Committee on Public Safety Services for December 20, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2714

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title 2, Fiscal, Article IX, Property Taxes, Chapter 165, Exemptions for Residential Improvement, by adding a new sub-section to Section 256.06(f), Procedures for Obtaining Exemption, which authorizes and directs the Chief of the Bureau of Building Inspection to provide an application form and instructions to all persons who obtain a building permit for making the improvements to deteriorated residential property or for the construction of new residential unit or units in a deteriorated area. — **(SPONSORED BY MR. O'CONNOR)"**

Which was read.

Also,

Bill No. 2715

An Ordinance entitled, "Ordinance amending the Pittsburgh Code, Title 2, Fiscal, Article IX - Property Taxes, Chapter 267, Exemptions for Industrial and Commercial Improvements, by changing the expiration date of the Chapter as Section 267.07 - Effective Date and Termination; and, by adding a new subsection at 267.05 - (b) through (e), Procedures for Obtaining Exemption, which authorizes and directs the Chief of the Bureau of Building Inspection to provide an application form and instructions to all persons obtaining a building permit for making improvements to or for the construction of industrial or commercial structures.— **(SPONSORED BY MR. O'CONNOR)"**

Which was read.

Also,

Bill No. 2771

An Ordinance entitled, "Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 777, Amusement Devices, by making changes to Section 777.05(a)(b)(d)(f).—**(SPONSORED BY MR. HERTZBERG AND MR. ONORATO)"**

Which was read.

Also,

Bill No. 2795

An Ordinance entitled, "Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Licenses, Chapter 777, Amusement Devices, by making changes to Section 777.05(d).—**(SPONSORED BY MR FERLO)**"

Which was read.

Also,

MR. CUSICK PRESENTED

Bill No. 2831

Report of the Committee on Engineering and Construction for December 20, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2818

A Resolution entitled, "Resolution providing for the performance of work by City Forces on private property, being Lots No. 101 through 106, inclusive, as recorded in the Mrs. Margaret Miller Plan of Lots, PBV3, Page 250.—**(SPONSORED BY MR. UDIN).**"

Which was read.

The Chair:

You have heard the reading and titles of the bills from the various Committees. I would also ask that the Clerk, if it's convenient, could please read the warrants that require six votes, and the transfers, and the only bill that would be up for the final vote next Wednesday would be the bill from General Services regarding the Licensure Fee, which still we wanted more additional information.

MR. ONORATO PRESENTED

Bill No. 2824

Report of the Committee on Finance and Budget for December 20, 1995, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2810

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Pennsylvania State Police in the amount of $1,998.00 in payment for the lease of a terminal, equipment and data circuits for the Bureau of Communications connection to the statewide NCIC/Clean information system. **(PRESENTED BY MR. COHEN).**"

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2811

A Resolution entitled, "Resolution transferring the amount of $40,000.00 from Code Account 1801, Miscellaneous Services to the Special Parks Program Trust Fund for the 1996 BIG Program in non Community Development neighborhoods for the Department of Parks and Recreation. **(PRESENTED BY MR. HERTZBERG).**"

Which was read.

Also,

Bill No. 2812

A Resolution entitled, "Resolution transferring the amount of $24,100.00 from Code Account Oliver Bath House Trust Fund, to the Swimming Pool Maintenance Trust Fund, in the Department of Parks and Recreation for wages paid for the off-season lifeguards working at the Oliver Bath House. **(PRESENTED BY MR. HERTZBERG).**"

Which was read.

Also,

Bill No. 2814

A Resolution entitled, "Resolution transferring the amount of $1,025.00 from Code Account 1001-2 (100123), Salaries, Wages & Services of Council to Code Account 1001-1 (100115) Miscellaneous Services, Supplies, Equipment, Etc., City Council.— **(SPONSORED BY MS. McDONALD)**"

Which was read.

Bill No. 2816

A Resolution entitled, "Resolution providing for the transfer of $1,100.00 from Code Account 1016, Mayor's Office to Code Account 1034, Commission on Human Relations."

Which was read.

Also,

Bill No. 2817

A Resolution entitled, "Resolution transferring the amount $95,000.00 from Code Account 1608, Salaries and Wages, Bureau of Operations, to various Code Accounts within the Department of Public Works. **(PRESENTED BY MR. RICCIARDI).**"

Which was read.

Also,

Bill No,. 2786

A Resolution entitled, "Resolution designating banks and lending institutions to act as depositories for the year 1996 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. McDonald	Mr. Ricciardi
Mr. O'Connor	Mr. Udin
Ms. Onorato	Mr. Ferlo (Pres't)

AYES 6 NOES none

(MR. HERTZBERG ABSTAINING)

The bill having received the legally required number of votes passed finally.

The Chair:

Thank you very much. Again, I apologize for lumping all the Committees together, but I am trying to move the bills along. Please note that there are a number of amendments that were offered this morning, including Councilman Onorato's Bill. So, the final action on this Bill will include the corrected amendments, and prior to signing those bills we will confer with the Clerk's Staff and the sponsors to make sure they are worded correctly and appropriately. There was one abstention, but we have more than the necessary votes to pass and we can move on that Bill, as well as the warrants and the transfers.

Having heard all the different Reports, are there any discussions, anyone would like any comments relative to any of the bills? If not, I would ask for a roll call vote on all of the bills that were read from all of the Standing Committees.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

All of the bills, including the transfers and the warrants, have received the proper number of votes and are passed finally.

That concludes all of the bills that were up for a final vote.

Under Motions and Resolutions, are there any other matters to be brought before the body? If not, we will have one last Legislative Session, I believe next Wednesday, at 10 a.m. I believe that's the 27th. The only bill I believe will be on that agenda will be the action relative to the General Services Bill, on the Licensure, or in the event that there is some action by the Mayor, relative to the Financial/Operating CD Budget votes, whether or not there would be a veto, we would have to take an action up.

MR. O'CONNOR moved to approve the Minutes.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Other than that, is there a motion to adjourn?

And on the motion of **MR. HERTZBERG**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXIX *December 27, 1995* *No. 50*

Municipal Record

ONE-HUNDRED
TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Wednesday, December 27, 1995

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusack	**Mr. Ricciardi**
Ms. McDonald	**Mr. Udin**
Mr. Onorato	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Hertzberg

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a young lady here, Amy DeGregorio; she's nine years old; she's a Fourth Grader at Prince of Peace School on the South Side; she's in Councilman Gene Ricciardi's district. Her mom is here, Flo, and I see her brother Mario, her cousin is here, Jennifer and a friend, Nina Ricciardi, and actually Nina is Lynn and Gene Ricciardi's little girl, who is in the background speaking her piece.

And, Amy is going to lead us in the Pledge of Allegiance. Amy.

Amy DeGregorio:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you, Amy. I appreciate you coming down this morning with your family, a great delegation from the South Side, including Lynn Ricciardi and the Councilman's baby girl. And, our City Clerk would like to present you with the flag of our great nation and the flag of our City. And, thanks for coming down during the holiday break.

The Chair:

We have a number of honored guests in the audience this morning. And,

at this time I would like to call on my colleague, Councilman Onorato.

Mr. Onorato:

At this time everyone associated with the Tamburitzans, if you could come forward. Come on over here, everyone.

And, as they're walking forward, the Tamburitzans, they really don't need any introduction into the Chambers here, we all know them very well from their tradition and their ethnic heritage and celebration they perform every year. So, I am going to read the proclamation.

And, right before I get into that, I do want to recognize people that are here. We have Nicolle Sestric, Mary Sestric, Kara Turkovich, Judi Resick – is that right, Resick? Is it Tamas – Tamas Kajdon – thank you. Aaron Skrbin, Melissa Sassano, John Huckle, Tom Dixon. Chris Dixon is the President of the Friends of the Tammies. Chris. And, we have Father Charles Fenner, the Secretary of Duquesne University and the Chaplain of the Tammies. And, we have Rich Sestric of the December 30th Concert Chairman.

If I can read this, and then we're going to hear from them.

MR. ONORATO PRESENTS

No. 2768 WHEREAS, the Duquesne University Tamburitzans is the oldest American folk ensemble dedicated to performing and preserving the cultures of Eastern Europe; and,

WHEREAS, with the turmoil and homogenization of so many cultures throughout the world today, it is a noble tradition that must and should continue; and,

WHEREAS, the Tamburitzans present material from ethnographic regions. Costumes, songs, dances, instruments, and customs are representative of folkloric cultures - past and/or present-day; and,

WHEREAS, The Friends of Duquesne University Tamburitzans is an organization that supports the ensemble and increases awareness of the talent and zest that Tammie shows convey; and,

WHEREAS, The Friends of the Tamburitzans are sponsoring a holiday performance of the Tammies at Carnegie Music Hall on Saturday, December 30th; and,

WHEREAS, all profits of the December 30th performance will go toward the Scholarship Fund of the Tamburitzans, to help all talented students have a chance to participate in the ensemble; and,

WHEREAS, the special holiday performance will add colorful and warm memories to the holidays, as well as help the Tammie students raise funds for scholarships.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends both the Duquesne University Tamburitzans and the Friends of the Duquesne University Tamburitzans for their work in keeping our ethnic cultural traditions alive and wishes the Tammies success for their Gala Benefit Concert.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

I just want to say that I think the Tammies really represent what this region is all about, and that is the ethnic make up of the region and how so many different groups celebrate their ethnic backgrounds, and the Tammies have survived throughout the year and continue the strong tradition in this area.

Rich, I am going to ask if you want to say a few words and then – or if you want to introduce who wants to talk and speak about the concert and the Tammies. At this point, who should we have? Rich, let me give you this, too. Chris, let me present this to you and then you can follow rich and say a few words.

Mr. Sestric:

I just want to say a few words. I hope that everyone here could possibly attend the December 30th performance and see the great Tammies.

Now, I would like to introduce Chris Dixon, who is a President of the Friends of the Duquesne University Tamburitzans.

Mr. Dixon:

I want to thank Dan, the Council and the Pittsburgh area. The Tamburitzans are pretty unique and it typifies Pittsburgh. All over the country, wherever you go, the Tamburitzans are recognized for excellence and their excitement on the stage and that's Pittsburgh. And, as you look over the country side of the Pittsburgh area, you can see our ethnic background.

And, I want to thank the people in Pittsburgh for their strong support and also Duquesne University for the Tamburitzans, who's been here for 59 years this season and hope to be here in the next century.

Thank you. I wish you happy holidays and I hope to see you at the Carnegie show to be a tradition. Thank you.

Mr. Sestric:

Also, we have a few words from one of the Tammies, he's a Junior, Aaron Skrbin.

Aaron Skrbin:

Real briefly. I would just like to thank everyone on City Council for passing this resolution, it serves as a nice reminder to all the students of the group, those of us from Pittsburgh and those members of the group from across the country and from other countries of the community support that we have here, and this is a very nice reminder to all of us, and I think we do represent the uniqueness of Pittsburgh throughout the country, and I hope to see you all on the 30th. Thank you very much.

Mr. Onorato:

Why don't you tell the date and the time and the location.

Mr. Sestric:

December 30th at the Carnegie Music Hall at 8 o'clock, up in Oakland.

Mr. Onorato:

And, how much is it? It is a fund raiser.

Mr. Sestric:

Well, we have tickets. There are reserved tickets, $25.00, 20, 15, and we have a reception after that, which is 23.50. So, the reception will be in Architectural Hall, among the trees at a precipice up there, and hopefully we will continue this tradition in 1996, and hopefully we could have a larger and more prosperous year for the Tammies coming up. Thank you.

Mr. Cohen:

Thank you. I just wanted to take a moment, first of all, to commend Councilman Onorato for this proclamation. I do agree that the Tamburitzans are one of Pittsburgh's finest assets, and it is just great to have you down here at a time when cultures are assimilating here in Western Pennsylvania and particularly in America as a whole. It's just wonderful to have a group that's dedicated to the richness of our heritage and reflects the heritage of so many thousands of people in Western Pennsylvania and that is the wonderful Eastern European heritage that we have here. So, keep on keeping up that wonderful tradition, and thank you for coming down.

Mr. Onorato:

Thank you. Thank you. Good luck.

The Chair:

Thank you all and congratulations. Keep up the good work.

That concludes our Read and Adopted with the guests that we have in the audience today.

This being the last Council Meeting of this year and this session, we have no formal papers to present at this time. All bills will be introduced after the January 2nd reconvening of the next session.

UNFINISHED BUSINESS

The Chair:

In regards to Unfinished Business, you have before you, regarding reconsideration of Bill 2771. If I could just explain this very quickly. We actually voted twice last week on the same bill. This was on an increase on the gambling video fee to the 350, which was unanimously supported by those colleagues in attendance at the time; however, Councilman Hertzberg also had a bill which was clarifying exactly what the rate was this year.

So, we have to correct what we actually did the other day so. We voted twice for the same bill. So, I would ask that we motion to reconsider the Bill 2771

and to correct the licensure fee at the request of our City Clerk, Ms. Johnson.

Mr. Onorato:

So moved.

Mr. Cusick:

Clarification. Mr. President, before us, we have the motion to reconsider, it says, 191; is that the current fee right now, this 191?

The Chair:

The current fee right now is 191. Actually the current fee right now -- excuse me -- is 180. It was proposed to be the 191 and that was the correcting language. We finally in the final vote that we took, we raised it to the 350, but at the same time, we also voted for a general bill that Councilman Hertzberg had explaining the correction in each one of the fees.

So, we already approved and have signed into law the 350. We just need to clarify for the City Code what the exact fee is. So, the City Clerk, Ms. Johnson, asked us to please clarify the language.

Is there a motion to reconsider.

Mr. Cusick:

Thank you. So moved.

Mr. Onorato:

Second.

The Chair:

Moved and seconded. All in favor? Motion to actually correct the licensure fee by deleting 7705 License Fees, Section D. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ricciardi
Ms. McDonald	Mr. Udin
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES 1

(MR. COHEN VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

The Chair:

Thank you very much. The bill having received the necessary required number of votes has been corrected by way of the vote at the previous session last Wednesday and the final vote.

On Unfinished Business, are there any other matters to be brought before the body, under Unfinished Business or Reports of Special Committees? If not, moving to the one bill that we do have on the agenda, Reports of Committees, Councilman O'Connor, Committee on Lands, Buildings and Procurement.

Mr. O'Connor:

Mr. President.

The Chair:

Thank you, Mr. O'Connor.

REPORTS OF COMMITTEES

MR. O'CONNOR PRESENTED

Bill No. 2832

Report of the Committee on Lands, Buildings and Procurement for December 20, 1995, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2815

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 427, Private Communications Systems, Section 427.01, License Requirement, Section 427.03, Definitions, Section 427.06, Length of License (b), Section 427.09, Powers and Duties of Superintendent (3), Section 427.11, Compensation for License (a), (d), Section 427.15 (a), (i), (j), Section 427.16, Use of Conduits by City, Section 427.17, Transfers and Assignments (a), (b)."
Which was read.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

With the permission of the Director, request of the Director, I am going to make a motion to table this bill, because it is very complicated, and I would like to hold a post agenda at the first of the year. I think it is better for all sides and we can make a good decision on it.

The Chair:

Motion on the floor to table, is there a second?

MR. RICCIARDI seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

The bill stands tabled. Thank you.

Other matters to be brought under Motions and Resolutions? There are no other bills in final action. If there are any other bills that are pending, at this point they will be, in effect, tabled and they will have to be reintroduced in the next session.

Any other matter under Motions and Resolutions? If not, I will entertain a motion to adjourn.

MR. CUSICK moved to excuse Mr. Hertzberg for absence from the Meeting.
MR. O'CONNOR seconded the motion.

Which motion prevailed.

And on the motion of MR. CUSICK

Council adjourned.